

Servicemembers' Rights and Benefits

This publication is prepared pursuant to the provisions of 20 ILCS 1805/31 for members of the Illinois National Guard and their families. The publication summarizes the most important statutes, provides links to statutes and regulations for further research, and provides forms, where applicable, to assist in exercising the right or benefit. Some of these statutes also apply to Reservists and active duty military personnel, and that information is included in the applicability section, where appropriate. Military personnel may also be entitled to rights and benefits provided by local governments, employer policies, or through collective bargaining agreements, and those sources should be checked as applicable. For additional entitlements, active duty members should refer to their service regulations, and veterans should contact the U.S. Department of Veterans Affairs or the Illinois Department of Veterans Affairs.

Furthermore, these summaries do not constitute legal advice, which is dependent upon the facts of each individual case, and servicemembers should consult a Judge Advocate or civilian attorney as necessary.

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The phrase “status is everything,” is often heard in the National Guard because of the variety of military statuses held by its personnel, and because military discipline, chain of command, applicable regulations, and entitlements are dependent on the member’s status. Therefore, the following terms will be used throughout this publication, especially in the applicability sections for the various statutes.

1. Title 10 Military Service

This term includes military service under any provision of Title 10, United States Code. This includes “active duty” service by members of the U.S. Army, Air Force, Navy, Marines, or service by Reserve units (e.g. U.S. Army Reserves). It also includes military service performed by Army National Guard and Air National Guard members while on Initial Active Duty Training (IADT), while serving OCONUS (Outside the Continental United States) for training or other duty, or when mobilized under Presidential Authority (e.g., Operations Enduring Freedom and Iraqi Freedom).

2. Title 32 Military Service

This term includes all Federally funded training and duty for National Guard members under any provision of Title 32, United States Code. This includes normal training duty of National Guard members on weekends (inactive duty training), annual training periods, and full-time National Guard duty (e.g., AGR personnel). It also includes duty performed during certain emergency operations as specifically authorized by the President or SECDEF (e.g., airport security duty in 2001-2002 and disaster relief in the aftermath of Hurricane Katrina).

3. State Active Duty (SAD)

This term includes all military service performed by National Guard members pursuant to executive order of the Governor under the Illinois Constitution and State statutes. This military service is funded by the State, and National Guard members are considered to be State employees when performing such service. Generally, such service is performed within the State during emergencies such as floods, tornados and blizzards.

ABBREVIATIONS

The following abbreviations will be used throughout this publication:

AGR	=	Active Guard Reserve
U.S.C.	=	United States Code
C.F.R.	=	Code of Federal Regulations
ILCS	=	Illinois Compiled Statutes
Ill. Admin. Code	=	Illinois Administrative Code
SAD	=	State Active Duty

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A. Uniformed Services Employment and Reemployment Rights Act (USERRA).

1. References.

- a. USERRA statute: [38 U.S.C. 4301et seq.](#),
- b. Federal regulation: [20 C.F.R. Part 1002](#);
- c. National Committee for Employer Support of the Guard and Reserve (ESGR):
<http://www.esgr.org/userra.asp>

2. Applicability. USERRA applies to servicemembers ordered to military service under any provision of Title 10 or Title 32, and applies whether such duty is voluntary or involuntary. USERRA applies to any civilian employer, regardless of size, and to Federal, State, and local governments.

3. Summary of the law.

- a. Eligibility (Section 4312). If a member leaves his civilian job to perform military service, he is entitled to return to that employer, with accrued seniority, provided he meets the following five eligibility criteria:
 - 1) The servicemember held a civilian job, full-time or part-time, which was not a temporary position, before beginning the period of military service.
 - 2) The servicemember gave notice to the employer that he would be leaving for military training or service. The notice may be written or oral, but must be given in advance, unless impossible, unreasonable under the circumstances, or precluded by military necessity.
 - 3) The member's military service leaves do not exceed the five-year cumulative limit for that employer. However, some types of military service (e.g., required drills and training for National Guard/Reserve members, and service during mobilization in a time of war or national emergency) are excluded when computing the five-year limit.
 - 4) The member is released from military service with an Honorable or General (Under Honorable Conditions) Discharge.
 - 5) The member reports back to work, or makes a written or verbal request for re-employment, within the following time frames:
 - a) For military service of 30 consecutive days or less, the member must report back to work on the next regularly scheduled work period after transportation home plus an 8-hour rest period.

- b) For military service from 31-180 days, the member must report for work or apply for reemployment not later than 14 days after completion of service.
 - c) For military service of 181 days or more, the member must report for work or apply for reemployment not later than 90 days after completion of service.
- b. Rules concerning application for reemployment (Section 4312).
- 1) The time period to report to work or apply for reemployment is extended by the period of time the member is hospitalized for, or convalescing from, an illness or injury incurred or aggravated during a period of military service.
 - 2) If the period of military service is more than 30 days, the employer may request appropriate documentation from the member to show the servicemember's characterization of service and to show the application for reemployment is timely.
 - 3) A member who fails to report to work or apply for reemployment in a timely manner does not automatically forfeit rights and benefits under USERRA, but the member will be subject to the employer's rules and policies concerning absence from scheduled work.
- c. Reemployment rights (Section 4313).
- 1) Reemployment position. For military service periods of 90 days or less, the member is entitled to reemployment in the same position which he left. For periods of service of 91 days or more, the member will be employed in the same position, or in a position of like seniority, status, and pay. However, for all absences, the servicemember is entitled to be reemployed under the "escalator principle." In other words, the servicemember is entitled to reemployment in the job position which they would have attained had they not been absent for military service, with the same seniority, status, and pay. Therefore, if the servicemember's peers were promoted or received raises, then the returning servicemember is entitled to the raise or promotion.
 - 2) Prompt reinstatement. If the servicemember is gone for 30 days or less, they must report for work at their next regular shift after an 8-hour rest period, and they are entitled to immediate reemployment. If the servicemember is gone for more than 30 days, they must be reemployed "promptly" which is defined to mean as soon as practicable, usually within days and no longer than two weeks.

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- 3) Non-seniority rights. While the servicemember is performing military service, they are considered to be on furlough or leave of absence, and the member is entitled to the most favorable non-seniority rights and benefits which the employer provides to employees on non-military leaves of absence.
- 4) Vacation. The member is entitled to use accrued vacation time while performing military service, but the employer cannot require the use of vacation time except under limited circumstances.
- 5) Training and accommodations. An employer must make "reasonable efforts" to train the servicemember on new equipment or techniques, or to refresh the member's job skills. Also, if a member is disabled while performing military service, the employer must make reasonable efforts to accommodate the disability and reemploy the member in a position most nearly approximating the original position.
- 6) Discharge. The reemployed member cannot be discharged, except for cause: (a) within one year from the date of reemployment if the period of military service was 181 days or more; or (b) within 180 days if the period of service was 31-180 days.

d. Other employment protections.

- 1) Healthcare coverage. For military service periods of 30 days or less, the employer must continue the servicemember's healthcare coverage. For military service periods of 31 days or more, the servicemember can elect to continue coverage for up to 18 months; however, the employer can charge up to 102% of the full premium for the coverage. Upon return to the civilian job, the member is entitled to reinstatement of the healthcare coverage, including coverage for dependents, with no waiting period and no exclusion of preexisting conditions (except for conditions determined to be service connected).
- 2) Non-discrimination. USERRA provides that employers cannot discriminate against service members on the basis of military service in such areas as hiring, reemployment, retention in employment, promotion, or any benefit of employment offered by an employer.
- 3) Minimum benefits. USERRA guarantees certain minimum rights and benefits, but servicemembers may be entitled to additional rights and benefits under State law, municipal ordinance, employment contract, collective bargaining agreement, or company policy or practice. For example, if the employer normally gives holiday bonuses to employees on furlough or leave of absence, then the absent servicemember is also entitled to them.

e. Exceptions to reemployment rights.

- 1) The employer is not required to reemploy a servicemember if:
 - a) The employment position which the member left was for a brief, nonre-current period, with no reasonable expectation that it would continue indefinitely or for a significant period; or
 - b) The employer's circumstances have changed to an extent which would make reemployment impossible or unreasonable, or impose an undue hardship on the employer.
- 2) However, the burden of proof is on the employer to show either of the above reasons for denying reemployment.

f. Enforcement.

- 1) If the servicemember believes their USERRA rights have been violated, they should contact the National Committee for Employer Support of the Guard and Reserve (ESGR); phone: 1-800-336-4590; <http://www.esgr.org/userra.asp>. An ESGR ombudsman can contact the employer, explain the employer's responsibilities under USERRA, and try to resolve any problems for the member.
- 2) The servicemember also has the right to file a complaint with the U.S. Department of Labor, Veterans' Employment and Training Service (VETS); <http://www.dol.gov/vets/>. That office can investigate the complaint and try to resolve the matter with the employer, and VETS can request enforcement of the law through the U.S. Attorney's Office or Office of Special Counsel, as necessary.
- 3) Section 4832 of USERRA also gives a member the right to sue the employer in federal court, but the member would have to retain a civilian attorney at their own expense.

4. Forms:

I.A.1. Employer Notification Letter (USERRA)

I.A.2. Request for Reinstatement Letter (USERRA)

B. Illinois National Guard Employment Rights Law.

1. Reference: Statute: [20 ILCS 1805/30.1 et seq.](#)

2. Applicability. This Act applies to National Guard members ordered to State Active Duty (SAD), and applies whether such duty is voluntary or involuntary. The Act protects the member's job

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rights and benefits whether they are working for a private employer in the State of Illinois, or if working for the State of Illinois or any political subdivision of the State.

3. Summary of the law.

- a. Eligibility. The member is entitled to the rights and benefits of the Act if:
 - 1) The member gave advance written or oral notice of the period of military service to the employer, if reasonably possible and not precluded by military necessity;
 - 2) The member's service was characterized as honorable, under honorable conditions, or satisfactory; and
 - 3) The member reports for work or requests reemployment with the employer within the following time frames:
 - a) For SAD of 30 days or less, the member must report for work on the first full regularly scheduled work period after transportation home plus an 8 -hour rest period.
 - b) For SAD of 31-179 days, the member must apply for reemployment not later than 14 days after completion of service, if possible.
 - c) For SAD of 180 days or more, the member must apply for reemployment not later than 90 days after completion of service.
- b. Rules concerning application for reemployment.
 - 1) The time period to report to work or apply for reemployment is extended if the member is hospitalized for, or convalescing from, an illness or injury incurred or aggravated during a period of SAD.
 - 2) The employer may request appropriate documentation showing the member's characterization of service, and to show the member's application is timely.
 - 3) A servicemember who fails to report for work or apply for reemployment in a timely manner does not automatically forfeit rights and benefits under the Act, but will be subject to the employer's rules and policies concerning absence from scheduled work.
- c. Reemployment rights. Upon the servicemember reporting to work or applying for reemployment in accordance with the Act, the member shall be either:

- 1) Promptly reemployed in the same position of employment which the member left, with the same increases in status, seniority, and pay which were earned by employees in like positions during the period of SAD; or
 - 2) Promptly reemployed in a position of like seniority, status, and pay, or the nearest approximation thereof if the member was disabled while on SAD and is no longer physically or mentally qualified to perform the duties of the position formerly held.
- d. Exceptions to reemployment rights.
- 1) An employer is not required to reemploy a member if:
 - a) The member held a temporary position which was for a brief, nonrecurrent period with no reasonable expectation that it would continue indefinitely or for a significant period; or
 - b) The employer's circumstances have changed to the extent that reemployment is impossible or unreasonable, or would impose an undue hardship on the employer.
 - 2) The burden is on the employer to show either of the above reasons for denying reemployment to the servicemember.
- e. Reemployment benefits.
- 1) Members shall be considered as having been on furlough or leave of absence during the period of SAD, shall be reemployed without loss of seniority, and shall be entitled to all benefits offered by the employer to other employees on furlough or leave of absence.
 - 2) The member cannot be discharged by the employer, without cause, within one year after reemployment.
 - 3) If the employer provides health insurance, an exclusion or waiting period may not be imposed on the servicemember or their dependents under the insurance plan if:
 - a) The condition arose before or during the period of military service;
 - b) An exclusion or waiting period would not otherwise have been imposed for the condition under the insurance plan; and
 - c) The condition was not service connected.

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4. Forms:

I.B.1. Employer Notification Letter (Illinois)

I.B.2. Request for Reinstatement Letter (Illinois)

C. Service Member's Employment Tenure Act.

1. **Reference:** Statute: [330 ILCS 60/1 et seq.](#)

2. **Applicability.** The Act applies to active duty servicemembers, Reserve members ordered to active duty, and National Guard members ordered to active military service pursuant to orders of the President or the Governor.

3. Summary of the law.

a. Reemployment protection.

1) Eligibility. A servicemember is entitled to the rights and benefits of the Act if:

- a) The member left employment with a private employer in the State of Illinois, or employment with the State of Illinois or any political subdivision thereof;
- b) The member's service was characterized as honorable or satisfactory upon discharge from military service;
- c) The member is still qualified to perform the duties of the position or employment; and
- d) The member applies for reemployment within 90 days after release from military service or from hospitalization continuing after discharge for a period of not more than one year.

2) Reemployment rights. Upon application by the member, unless the employer's circumstances have changed such that it is impossible or unreasonable to do so, the member shall be either:

- a) Reemployed in the same position of employment which the member left, with the same increases in seniority, status, and pay which were earned by employees in like positions who were on the job when the member entered service; or
- b) Reemployed in a position of like seniority, status, and pay, or the nearest approximation thereof if the member was disabled while on military ser-

vice and is no longer physically or mentally qualified to perform the duties of the position formerly held.

3) Reemployment benefits.

a) Members shall be considered as having been on furlough or leave of absence during the period of military service, shall be reemployed without loss of seniority, and shall be entitled to all benefits offered to other employees on furlough or leave of absence.

b) If the employer provides health insurance, an exclusion or waiting period may not be imposed on the servicemember or their dependents under the health insurance plan if:

(1) The condition arose before or during the period of military service;

(2) An exclusion or waiting period would not otherwise have been imposed for the condition under the insurance plan; and

(3) The condition was not service connected.

b. Employment offer protection. This is a limited protection, but it is one which neither USERRA nor the National Guard Employment Rights Law specifically addresses.

1) Eligibility. The member is entitled to this protection if:

a) The member has received an offer of employment and a start date;

b) The member is ordered to military duty: (1) pursuant to a declaration of war by Congress; or (2) by the President under the War Powers Act; or (3) by the Governor during a time of emergency or insurrection; and

c) The member is ordered to duty before the employment start date.

2) Written offer. If eligible, and upon the member's request, the employer must give the member a written copy of the employment offer which includes:

a) A statement of the offer and the start date when services were to be first performed;

b) The job title or duties to be performed;

c) The remuneration offered; and

d) Signature of the employer .

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- 3) Preference for employment. Upon honorable or satisfactory completion of military service, and if still qualified to perform the duties of the position, and if the member applies for the position within 90 days after release from military service, then the member shall be given preference for immediate employment with that employer.
- 4) Exceptions.
 - a) If the employer's circumstances have so changed as to make it impossible or unreasonable to hire the member immediately, the member is entitled to employment preference for one year from the date the member requested employment.
 - b) This section doesn't apply if the original offer of employment was limited to part time or temporary employment, or casual labor.
 - c) The employer is not required to hold a job open, violate any employment law or obligation, or create additional employment.

c. Enforcement.

- 1) Criminal. An employer's knowing violation of this Act is a business offense punishable by a fine of \$5,000 to \$10,000.
- 2) Civil. The circuit court has power, upon filing of a complaint by the service-member, to require compliance with the Act and to compensate the member for lost wages and benefits, reasonable attorney fees, and costs.

4. Forms.

I.B.1 and I.B.2 Reemployment Rights

I.C.1 Request for Employment Letter (Offer of Employment)

D. Continuation and Protection of Employment Benefits.

1. Illinois Military Leave of Absence Act.

a. References:

- 1) Statute: [5 ILCS 325/1 et seq.](#)
- 2) Rules: [80 Ill. Admin. Code 303.170](#)

b. Applicability. The Act applies to any full-time employee of the State of Illinois, a unit of local government, or a school district, who is also a member of any Reserve Component, including the Illinois National Guard.

c. Summary of the law.

- 1) An eligible employee must be granted leave during any period actively spent in military service, and the employee's seniority and other benefits continue to accrue.
- 2) The employee must continue to receive regular compensation as a public employee during leave for annual training.
- 3) During leave for basic training and up to 60 days of special or advanced training, the employee must receive differential pay (i.e., regular employee compensation minus the amount of base pay received for military service).
- 4) State employees who are mobilized to active duty will continue to receive State benefits and differential pay during their period of active duty service. This provision does not apply to employees of local governments or school districts, but see sections 2 through 5 below.
- 5) Home rule units cannot restrict the benefits provided under this Act.
- 6) Enforcement. Violation of this Act is considered to be a civil rights violation under the Illinois Human Rights Act, and the servicemember can file a complaint with the Illinois Department of Human Rights.

2. Local Government Employees Benefits Continuation Act.

a. **Reference:** Statute: [50 ILCS 140/1 et seq.](#)

b. **Applicability.** This Act applies to any employee of a unit of local government who is also a member of any Reserve Component, including the Illinois National Guard, and who is mobilized to active military duty by order of the President. Units of local government include counties, municipalities, townships, and special districts, but not school districts.

c. Summary of the law.

- 1) An eligible employee is entitled to receive differential pay (i.e., regular employee compensation minus the amount of base pay received for military service), health insurance, and other benefits they were receiving or accruing at the time of mobilization, for the duration of their active military service.
- 2) The Act provides minimum benefits, and collective bargaining agreements or policies of a local governmental unit will control if those benefits are more generous.

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- 3) The Act will not apply if 20% or more of the employees of a local governmental unit are mobilized to active duty.
- 4) Furthermore, home rule units with a population of 1,000,000 or more may limit or restrict benefits provided under the Act.

3. Municipal Employees Military Active Duty Act.

a. Reference: Statute: [50 ILCS 120/1 et seq.](#)

b. Applicability. The Act applies to municipal employees who are ordered to active federal military service by order of the President, or to active State military service by order of the Governor. Municipal corporations include counties, cities, school districts, park districts, and other local governmental agencies.

c. Summary of the law.

- 1) Employees on active military service are considered to be on furlough or leave of absence during their period of service and for 40 days thereafter. Furthermore, the employee will be restored to their position without loss of seniority, or to such other position as their civil service status would have entitled them to.
- 2) If so provided by an ordinance, resolution, rule or order of the municipality, employees are also eligible for preservation of their pension and civil service benefits while performing their military service. In this regard, the municipality may pay into the employee's pension fund, with municipal funds, the amount which would normally be deducted from the employee's salary. In addition to payment of the employee's normal contribution to the pension fund, the employee shall also receive such concurrent contributions or credits from the municipality as are provided in the resolution or ordinance creating the pension fund.

4. Public Employee Armed Services Rights Act.

a. Reference: Statute: [5 ILCS 330/1 et seq.](#)

b. Applicability. The Act applies to any employee of the State of Illinois, a unit of local government, or a school district, who is also a member of any Reserve Component, including the Illinois National Guard, and who is ordered to active duty military service by order of the President.

c. Summary of the law.

- 1) The stated policy of the Act is to protect and preserve an employee's rights and benefits for the duration of the emergency until the employee's return to public employment.
- 2) The Act protects the employee's insurance coverage and its automatic continuation immediately upon return to public employment.
- 3) The Act protects the employee's right to promotional, employment, contractual or salary benefits, or pension rights or benefits, conferred by law, ordinance, resolution, or collective bargaining agreement in effect when the employee was ordered to active duty, or which accrued during such military service.
- 4) The Act protects the employee's right to any benefits granted to similarly situated public employees which were conferred prior to or during the period of military service.
- 5) Home rule units cannot restrict benefits under the Act.
- 6) Enforcement. Violation of the Act is considered to be a civil rights violation of the Illinois Human Rights Act.

5. Illinois School Code Sections.

a. References:

- 1) Statute: [105 ILCS 5/10-20.7b](#) (School Board)
- 2) Statute: [105 ILCS 5/34-15a](#) (Board of Education)

b. Applicability. These sections apply to any employee of a school board or the State Board of Education, who is also a member of any Reserve Component, including the Illinois National Guard, and who is mobilized to active military duty by order of the President.

c. Summary of the law.

- 1) The employee is entitled to receive differential pay (i.e., regular employee compensation minus the amount of base pay received for military service), health insurance, and other benefits they were receiving or accruing at the time of mobilization, for the duration of their active military service.
- 2) These sections provide minimum benefits, and if the provision of any collective bargaining agreement, or school board, Board of Education or district policy is more generous, then that provision shall control.

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- 3) These sections also specifically prohibit the loss or diminishment of any employment benefit, service credit, or status accrued at the time of mobilization.

E. Veterans' Preference in Hiring.

1. There are several state statutes granting "veterans' preference" for employment with the State of Illinois, or on public works construction projects:
 - a. State Personnel Code. [20 ILCS 415/8b.7.](#)
 - b. Secretary of State Merit Employment Code. [15 ILCS 310/10b.7.](#)
 - c. Comptroller Merit Employment Code. [15 ILCS 410/10b.7.](#)
 - d. State Treasurer Employment Code. [15 ILCS 510/9b.5.](#)
 - e. State Universities Civil Service Act. [110 ILCS 70/36g.](#)
 - f. Veteran's Preference Act. [330 ILCS 55/1.](#)
2. There are several State statutes dealing with "veterans' preference" for employment with units of local government:
 - a. Cook County. [55 ILCS 5/3-14021.](#)
 - b. Fire Protection Districts. [70 ILCS 705/16.08a.](#)
 - c. Park Districts. [70 ILCS 1210/29a.](#)
 - d. Municipal Civil Service. [65 ILCS 5/10-1-16.](#)
3. The above citations are not intended to be exhaustive and, in fact, many veterans' preference provisions will not be in State law. Many units of local government, and even private employers, may have veterans' preference rules or policies, and veterans should check when applying for a position.

A. Servicemembers Civil Relief Act (SCRA).

1. **Reference:** Statute: [50 U.S.C. App. 501 et seq.](#)
2. **Applicability.** The SCRA applies to servicemembers on active duty under Title 10, United States Code, including National Guard and Reserve personnel ordered to active duty. The Act also applies to members of the National Guard on Title 32 duty for more than 30 days, if the duty is authorized by the President or SECDEF in response to a national emergency declared by the President (e.g., airport security duty in 2001-2002, and hurricane relief duty in 2005). Some protections under the Act also apply to the servicemember's dependents.
3. **Summary of Benefits.**
 - a. 6% interest cap (Section 527). Servicemembers may have the interest rate on certain financial obligations, such as mortgages, car loans, and credit cards, capped at 6% during their period of active duty service. However, the interest rate reduction applies only to debts which were incurred prior to the servicemember's entry onto active duty, including debts incurred jointly with the servicemember's spouse, but it does not apply to Federally guaranteed student loans. Also, in order to qualify, the servicemember's military duty must have a material affect on their ability to pay their obligations. To initiate the interest rate reduction, the servicemember must send a letter to the creditor requesting the reduction, and include a copy of their military orders. Interest and finance charges in excess of 6% must be forgiven, and the servicemember's monthly payments must be recalculated and reduced by the creditor.
 - b. Right to terminate property leases (Section 535). Servicemembers who entered into a residential, business, or agricultural lease before entry on active duty may terminate that lease upon receipt of active duty orders. In order to terminate the lease, the servicemember must give written notice to the landlord, and include a copy of their military orders. For leases with a monthly payment of rent, termination of the lease is effective 30 days after the due date for the next rental payment. For example, if rent is due on the 1st of each month and notice is given on 15 June, the lease is terminated effective 31 July. Furthermore, if any rent was paid in advance, the landlord must return any unearned portion, and the landlord may not retain the servicemember's security deposit except for actual damages/repairs as provided under the lease agreement.
 - c. Right to terminate motor vehicle leases (Section 535). Servicemembers who enter a period of active duty in excess of 180 days have the right to terminate an automobile lease. As with termination of residential leases, the servicemember must send written notice of termination and a copy of their military orders to the lessor. The member must also return the vehicle to the lessor no later than 15 days after the date of delivery of the notice, and termination of the lease is effective upon return of the vehicle. Furthermore, the lessor cannot impose any early termination charges, but the service-

Section II: Civil Relief Acts

member is liable for excess wear or mileage, and for taxes or other obligations under the terms of the lease.

- d. Stays of civil and administrative proceedings (Section 522). The SCRA provides that, upon application by the servicemember, the court will impose an automatic 90-day stay for civil and administrative proceedings in which the servicemember is a party, either as plaintiff or defendant. To qualify for a stay, the servicemember must demonstrate that military service had a material affect on their ability to defend or prosecute the civil action, and provide the court with a date when they will be available. The servicemember must also submit a letter from their commanding officer stating that military duty prevents the member from appearing and that military leave is not authorized. Additional stays are authorized if the above requirements are met, but they are at the court's discretion.
- e. Default judgment protection (Section 521). In general, the SCRA prevents entry of default judgments against servicemembers. However, if a default judgment is entered, the SCRA provides a process by which the default judgment can be vacated, and the servicemember can have an opportunity to defend the action on its merits. However, to be eligible for this protection, the servicemember must not have appeared in the case, their military service must have materially affected their ability to defend the case, the servicemember must have a meritorious or legal defense to the action, and they must file an application with the court within 90 days after release from service.
- f. Installment contracts (Section 532). The SCRA provides protection to servicemembers who entered into pre-service installment contracts for the purchase of property, including motor vehicles. However, to be eligible, the servicemember must have made a deposit, or at least one payment, under the contract prior to entry on active duty. If the servicemember then falls behind on the payments, the creditor must obtain a court order before repossessing the vehicle or other property.
- g. Protection against eviction (Section 531). The SCRA provides protection to a servicemember who entered into a preservice lease for residential premises. If the member's ability to pay the agreed rent is materially affected by their military service, the landlord may not evict the servicemember or their dependents from the premises without first obtaining an order from the court. This protection applies to leases with rent amounts that do not exceed \$2830 per month in 2008, and that amount is adjusted annually based on the consumer price index. Upon application by the landlord for an eviction order, the court shall, upon request by or on behalf of the servicemember, stay the proceedings for 90 days unless the court determines that equity requires a longer or shorter period of time.
- h. Mortgage protection (Section 533). The SCRA provides protection for servicemembers who have a mortgage on real property which was entered into prior to the period of

active duty and for which the member is still obligated. If the servicemember's ability to pay the obligation is materially affected by military service, no sale or foreclosure can take place without a court order. The court has the authority to stay the proceedings, or the court can reduce the monthly payments and extend the length of time the servicemember has to pay the mortgage.

- i. Termination or suspension of cellular phone contracts (Section 535a). Servicemembers who receive orders to deploy outside the continental United States for 90 days or more may request the termination or suspension of any contract for cell phone service entered into by the servicemember before the date of such deployment, if the servicemember's ability to satisfy the contract or to utilize the service will be materially affected by the deployment. The servicemember should notify the cell phone company, in writing, of the requested termination or suspension, and include a copy of their military orders. If the servicemember requests termination, the cell phone company must grant the request and cannot impose an early termination fee. If requesting suspension, the company must suspend the contract at no charge until the end of the deployment, and the company cannot require that the contract be extended or impose a reactivation fee.
- j. Health insurance (Section 594). Upon termination of military service, the servicemember is entitled to reinstatement of any health insurance which was in effect on the day before the military service commenced and which terminated during the period of military service. Furthermore, an exclusion or waiting period may not be imposed in connection with a health or physical condition of the member, or a dependent covered by the member's insurance, except under limited conditions specified in the statute. However, an application for reinstatement must be filed by the servicemember within 120 days after release from service. Also, this section does not apply to employer-provided healthcare, which is protected under USERRA.
- k. State residence for tax purposes (Section 571). The SCRA provides that a member's relocation due to military orders does not require the servicemember to obtain a new state of residence for tax purposes. For example, an Illinois resident who is mobilized and ordered to perform duty in California, will remain an Illinois resident for tax purposes even though the servicemember may earn military and non-military income while in California. The State of California may not tax their military income, but California may tax the servicemember's non-military income as a non-resident in accordance with California law.

4. Enforcement. Individual sections of the SCRA provide civil enforcement provisions, and some sections include criminal penalties for their violation.

5. Forms.

Section II: Civil Relief Acts

- II.A.1 Reduction of Interest Rates (SCRA)
- II.A.2 Termination of Residential/Business Lease (SCRA)
- II.A.3 Termination of Automobile Lease (SCRA)
- II.A.4 Stay of Court Proceedings (SCRA)
- II.A.5 Commander's Letter—Stay of Court Proceedings (SCRA)
- II.A.6 Reduction of Mortgage Payments (SCRA)
- II.A.7 Termination or Suspension of Cellular Phone Contracts (SCRA)

B. Illinois Patriot Plan.

1. References.

- a. Public Act 94-0635, effective 22 August 2005.
- b. Also see statutory citations in various sections below.

2. Applicability. The Act applies to active duty, Reserve and Illinois National Guard servicemembers who are Illinois residents and are serving on active military service pursuant to an Act of Congress, an executive order of the President, or by order of the Governor. The Act applies to contracts and obligations entered into on or after the effective date of the Act.

3. Summary of Benefits.

- a. 6% interest cap. This section provides that servicemembers and their spouses may have the interest rate capped at 6% on obligations for the purchase of goods or services during the servicemember's deployment on active duty. As with the SCRA, interest and finance charges in excess of 6% are forgiven, and the obligation must be recalculated to reduce the monthly payments. In order to qualify for this protection: 1) the obligation must have been entered into prior to the period of active duty; 2) the servicemember's military service must have materially affected their ability to pay the obligation; and 3) either the servicemember or their spouse must send written notice, and a copy of the military orders, to the creditor not later than 180 days after the member's termination of or release from duty. Illinois Interest Act, [815 ILCS 205/4.05](#).
- b. Residential lease protection. This section permits deployed servicemembers, or a member of their family who reside with them, to stay eviction proceedings from leased residential premises, including a mobile home. The court may on its own motion, and shall upon motion made by or on the behalf of the servicemember, stay the proceedings for a period of 90 days, unless the court determines that justice and equity require a longer or shorter period. The court may also adjust the obligations under the lease

agreement or grant other relief as equity may require. However, in order to be eligible for this protection: (1) the servicemember's ability to pay the agreed rent must have been materially affected by their deployment on active duty, and (2) the servicemember or a family member must send the landlord or mobile home park operator a copy of the servicemember's military orders. Code of Civil Procedure, [735 ILCS 5/9-107.10](#).

- c. Termination of motor vehicle leases. This section permits servicemembers or their spouses to terminate leases for motor vehicles if: 1) the servicemember is deployed on active duty for at least 180 days; and 2) the lease was executed by or on behalf of the servicemember. To terminate the lease: (1) the servicemember or spouse must send the lessor written notice by certified mail, along with a copy of military orders; and (2) the motor vehicle must be returned to the lessor not later than 15 days after delivery of the written notice. Furthermore, the lessor cannot impose early termination charges, and the lessor must refund any advance payments within 30 days after the effective date of termination. The servicemember is liable, however, for excess wear or mileage, and for taxes or other obligations under the lease. Illinois Motor Vehicle Leasing Act, [815 ILCS 636/37](#).
- d. Termination of cell phone contracts. A servicemember or their spouse may terminate the member's cell phone contract without penalty by: (1) giving written notice to the phone company by certified mail, along with a copy of the member's military orders; and (2) returning the cell phone to the company if it is owned by them or, if the member has taken the cell phone on deployment, by promising to return the phone as soon as practical after the deployment. The contract is terminated 30 days after notice is given and the phone is returned as described above. Military Personnel Cellular Phone Contract Termination Act, [815 ILCS 633/10](#).
- e. Continuation of gas and electricity. A utility company may not stop gas or electric service to a residence of which the servicemember was a primary occupant immediately prior to deployment on active duty, for nonpayment of gas or electricity supplied to the premises. To be eligible, the member must provide the municipality (in the case of a municipally-owned utility) or utility company with a copy of the military orders. Upon release from military service, the municipality or utility company shall offer the member a period equal to at least the period of deployment on active duty in order to pay any arrearages incurred. Also, the municipality or utility company shall inform the member that he or she may request a longer period to pay the arrearages in case of a financial hardship. In case of a public utility, no late payment fees or interest may be charged during the deployment or repayment periods. Illinois Municipal Code, [65 ILCS 5/11-117-12.2](#); Illinois Public Utilities Act, [220 ILCS 5/8-201.5](#).

- 4. Enforcement.** A violation of any of the above sections constitutes a civil rights violation under the Illinois Human Rights Act.

Section II: Civil Relief Acts

5. Forms.

- II.B.1: Reduction of Interest Rates (Patriot Plan)
- II.B.2: Termination of Automobile Lease (Patriot Plan)
- II.B.3: Termination of Cellular Phone Contract (Patriot Plan)
- II.B.4: Continuation of Gas and/or Electricity (Patriot Plan)

C. Stay of Civil Court Proceedings.

1. References.

- a. National Guard Employment Rights Law. [20 ILCS 1805/30.25](#).
- b. Service Member's Employment Tenure Act. [330 ILCS 60/5.1](#).

2. Applicability.

- a. National Guard Employment Rights Law. See Section I.B of this Pamphlet.
- b. Service Member's Employment Tenure Act. See Section I.C of this Pamphlet.

3. Summary of the law.

- a. A court with jurisdiction over civil proceedings may stay, postpone, or suspend the enforcement of any civil obligation or liability, the prosecution of any civil suit or proceeding, or the entry or enforcement of any judgment or order, if the court determines that the servicemember's failure to meet the obligation is the direct result of the member's military service.
- b. This protection applies to periods of State Active Duty or Title 32 military service in excess of 29 days, and the court may stay the proceedings during the period of military service and for up to 14 days after completion of the training or duty.
- c. This protection does not apply to any obligation or debt which is agreed upon or incurred by the member during or after the period of military service.

4. Form. II.C.1: Stay of Court Proceedings (Illinois)

II.C.2: Commander's Letter—Stay of Court Proceedings (Illinois)

D. School Attendance and Tuition.

1. References.

- a. National Guard Employment Rights Law. [20 ILCS 1805/30.30](#).
- b. Service Member's Employment Tenure Act. [330 ILCS 60/5.2](#).

2. Applicability.

- a. National Guard Employment Rights Law. See Section IB of this Pamphlet.
- b. Service Member's Employment Tenure Act. See Section IC of this Pamphlet.

3. Summary of the law.

- a. A servicemember has the right to a full monetary credit or refund of all funds paid to any Illinois public university, college, or community college if the member is ordered to active military service and is unable to attend the college or university for a period of seven or more days.
- b. Withdrawal from any course under this authority shall not impact upon the final grade point average of the servicemember.
- c. If a servicemember has been enrolled in an Illinois public university or college, and is unable to process their enrollment for an upcoming term due to their military service, any and all late penalties or charges shall be set aside.
- d. These provisions are in addition to any other rights granted under established policies of each public college or university.

4. Form. II.D.1: School Attendance and Tuition (Illinois Public Colleges and Universities).

Section III: Educational Benefits

A. Illinois National Guard Grant.

1. References.

- a. Statute. [110 ILCS 947/45.](#)
- b. Rules. [23 Ill. Admin. Code, Part 2730.](#)

2. Applicability. The Act applies to any active member of the Illinois Army or Air National Guard.

3. Summary of the law.

a. Eligibility. A member of the Illinois National Guard must meet the following criteria to be eligible for the grant:

- 1) Be an active member of the Illinois National Guard and have served for at least one year; and
- 2) Meet all necessary entrance requirements for the university or college.

b. Benefits.

- 1) Eligible servicemembers are entitled to an exemption from payment of tuition and certain fees at State public universities and community colleges for the equivalent of four academic years of full-time enrollment.
- 2) The Illinois Student Assistance Commission (ISAC) is responsible for payment of the tuition and fees; however, if ISAC has insufficient funds for reimbursement, the obligation is transferred to the college or university and not to the servicemember.
- 3) The grant applies to any undergraduate or graduate course of study, except payments will not be made for any sectarian or denominational instruction.

c. Restrictions.

- 1) The servicemember must maintain a minimum grade point average as reasonably determined by the institution.
- 2) The servicemember must maintain a satisfactory repayment record on any guaranteed student loans and must not be in default.
- 3) If the servicemember separates from the Illinois National Guard while enrolled in a course of study, the grant terminates on the date membership in the Illinois National Guard ended, and the individual will then be responsible for payment of tuition and fees allocable to that portion of the school term then remaining. However, if the member has served at least five years with the Illinois National

Guard, and has served a cumulative total of six months of active duty, then the grant will continue for one year after membership has ended.

- 4) If the servicemember fails to complete his or her military service obligation, or is an unsatisfactory participant under military service regulations, then the recipient must repay the amount of the grant received, prorated as a fraction of the service obligation not completed, including reasonable collection fees.

B. Illinois Veteran's Grant.

1. References.

- a. Statute. [110 ILCS 947/40](#).
- b. Rules. [23 Ill. Admin. Code, Part 2733](#).

2. **Applicability.** The Act applies to any veteran who served on Federal active duty in the U.S. Armed Forces, in the Reserves, or the Illinois National Guard.

3. Summary of the law.

- a. Eligibility. A veteran must meet the following criteria to be eligible for the grant:

- 1) Be an Illinois resident at the time of entry on Federal active duty or within six months prior to entering such service, or be enrolled at an Illinois public university or community college at the time of entry on active duty;
- 2) Meet one of the following service requirements:
 - a) Served at least one year of Federal active duty; or
 - b) Served less than one year, but received an honorable discharge for a service-connected medical reason; or
 - c) Served less than one year, but in a foreign country during a time of hostilities in that foreign country;
- 3) Received an honorable discharge from each period of Federal active duty or, if the member has not left active duty, can establish that such service has been honorable; and
- 4) Returned to Illinois within six months after leaving active duty.

- b. Benefits.

- 1) Eligible veterans are entitled to an exemption from payment of tuition and certain fees at State public universities and community colleges for the equivalent

Section III: Educational Benefits

of four academic years of full-time enrollment.

- 2) The Illinois Student Assistance Commission (ISAC) is responsible for payment of the tuition and fees; however, if ISAC has insufficient funds for reimbursement, the obligation is transferred to the college or university and not to the veteran.
- 3) The grant applies to any undergraduate or graduate course of study.

c. Restrictions.

- 1) The veteran must maintain a minimum grade level point average as reasonably determined by the institution.
- 2) The veteran must maintain a satisfactory repayment record on any guaranteed student loans and must not be in default.
- 3) The grant is available only for as long as the Federal government provides educational benefits to veterans, and grant assistance will terminate six months after termination of Federal educational benefits, except for persons who already began their education with assistance under the grant.

C. Federal GI Bill Programs for National Guard and Reserve.

1. References.

- a. Department of Veterans Affairs. <http://www.gibill.va.gov/>
- b. Department of Defense, Office of Reserve Affairs. <http://www.defenselink.mil/ra/>

2. Applicability. There are several GI Bill programs available to Reserve Component members, with varying eligibility requirements and benefits. A few of those programs are summarized below, and the above websites should be consulted for detailed eligibility and application requirements.

3. Program Benefits. The educational benefits under these programs can generally be used for the following:

- a. Undergraduate and graduate degree programs at colleges and universities;
- b. Vocational schools such as HVAC or EMT certifications, truck driving, or barber and beautician schools;
- c. On the-job or apprenticeship training, such as union plumber, fire fighter, or hotel management;
- d. Flight training;

- e. Correspondence, distance learning, or internet/online training;
- f. Entrepreneurship training;
- g. Work-study programs; and
- h. Reimbursement for certain licensing, certification, and national tests.

4. Programs.

- a. Montgomery GI Bill – Selected Reserve (MGIB-SR). This program is generally applicable to members of any Reserve Component, including National Guard members who:
 - 1) have completed IADT;
 - 2) have a high school diploma or equivalent;
 - 3) are in an active drill status and in good standing with the unit; and
 - 4) have a 6-year military obligation.
- b. Reserve Educational Assistance Program (REAP). This program is generally applicable to members of any Reserve Component, including National Guard members, who meet the above MGIB-SR eligibility requirements, and who have served at least 90 consecutive days of active duty after 11 September 2001 in support of a war or national emergency as determined by DoD or the Department of Homeland Security.
- c. Montgomery GI Bill – Active Duty (MGIB-AD). This program is generally applicable to servicemembers who serve in a regular component of the Armed Forces for at least two years. However, it is also available to members of a Reserve Component who are mobilized and have served for two continuous years on active duty in support of a contingency operation. In fact, such members could qualify for both REAP and the MGIB-AD, and the servicemember could select which program they want to use.

D. Student Loan Deferments.

1. **References.** Department of Education. <https://www.dl.ed.gov/borrower>

2. Deferments.

- a. Military deferment. To qualify, the servicemember must be serving on active duty, or qualifying National Guard duty, during a war, other military operation, or national emergency as declared by the President. The deferment applies only to certain types of loans, and there are other eligibility requirements, as detailed at the above website and on the application form. Also, if granted, the deferment lasts only for the duration of the qualifying military duty, up to a maximum of three years.

Section III: Educational Benefits

- b. Armed Forces deferment. To qualify, the servicemember must be either: (1) serving on active duty in the U.S. Armed Forces; or (2) be a member of the National Guard or Reserves serving on full-time military duty expected to last at least one year, or serving under an order for national mobilization. This deferment applies only to the William D. Ford Direct Loan Program, and there are other eligibility requirements, as detailed at the above website and on the application form. Also, if granted, the deferment lasts only for the duration of the qualifying military duty, up to a maximum of three years.

A. Family Military Leave Act.

1. **Reference.** Statute. [820 ILCS 151/1 et seq.](#)
2. **Applicability.** The Act applies to any employee who is the spouse or parent of a servicemember on active military service for more than 30 days pursuant to orders of the Governor or the President.
3. **Summary of the law.**
 - a. Eligibility. To qualify for leave under the Act, the person must be:
 - 1) The spouse or parent of the servicemember;
 - 2) Employed by the same employer for at least 12 months, and have worked at least 1250 hours in the 12 months immediately preceding the requested leave;
 - 3) Working for an employer which employs at least 15 persons; and
 - 4) The leave period requested must be for a period of time during which the Federal or State deployment orders are in effect.
 - b. Leave entitlement.
 - 1) An employer with 15-50 employees shall provide up to 15 days of family military leave.
 - 2) An employer with more than 50 employees shall provide up to 30 days of family military leave.
 - 3) The employee must give 14 days notice if the requested leave is for 5 or more consecutive work days, and give as much advance notice as is practical if the requested leave is for less than 5 days.
 - 4) If able, the employee should schedule the leave to minimize disruption to the employer's operations.
 - 5) The employee must have used all accrued vacation, compensatory, and other available leave (except sick or disability leave) prior to using unpaid military leave.
 - c. Benefits protection.
 - 1) Upon expiration of military leave, the employee is entitled to be restored to the position they held prior to commencement of the leave, or to a position with equivalent seniority, status, pay, benefits, and terms and conditions of employment.

Section IV: Family and Dependents

- 2) Taking military leave will not result in the loss of any accrued benefits, and the employee may continue their benefits during the leave period at their own expense.
- 3) The employer must also comply with any collective bargaining agreement or employee benefit plan which provides greater leave rights to the employee.

d. Enforcement.

- 1) The employer cannot interfere with or deny an employee's exercise of any right under the Act, or take any adverse action or discriminate against an employee for exercising their rights under the Act.
- 2) The employee can bring a civil action to enforce the Act, and the court can order injunctive or other equitable relief as necessary to enforce the Act.

4. Form. IV.A.1: Request for Family Military Leave.

B. Family and Medical Leave Act (FMLA).

1. References.

- a. Statutory changes: <http://www.dol.gov/esa/whd/fmla/fmlaAmended.htm>
- b. Rules. [29 C.F.R. Part 825](#); (sections 825.122 to 825.127)
- c. National Defense Authorization Act (NDAA) for FY 2008 (Public Law 110-181).

2. Applicability. The FMLA was amended by the 2008 NDAA to provide additional leave entitlements for family members of servicemembers in the U.S. Armed Forces, including the Reserves and National Guard.

3. Summary of the law.

- a. Section 585 of the NDAA expands the FMLA (see 29 C.F.R. 825.127) to permit a spouse, child, parent, or next of kin to take up to 26 weeks of unpaid leave to care for a servicemember with a serious illness or injury, subject to the following:
 - 1) The illness or injury must have been incurred by the servicemember in the line of duty and while on active duty in the Armed Forces.
 - 2) The 26 weeks of leave must be taken during a single 12-month period to care for the servicemember, beginning on the first day the eligible employee takes FMLA leave for that purpose.
 - 3) During the single 12-month period, the employee is entitled to a combined total of 26 weeks of regular FMLA leave and military family leave (i.e., the 26 weeks

can't be added to the 12 weeks of regular FMLA leave for 38 weeks).

- b. Section 585 of the NDAA also permits a spouse, child, or parent to take FMLA leave for a "qualifying exigency" arising out of the servicemember's active duty service, or their impending call or order to active duty, in the U.S. Armed Forces in support of a contingency operation. The Secretary of Labor has defined the term "qualifying exigency" to include eight broad categories of activities for which employees can use this FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Child-care and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee. See 29 C.F.R. Section 825.126 for a detailed description of these categories and authorized activities.
- c. In order to qualify for servicemember family leave, the employee must be otherwise eligible to take FMLA leave under the Act. Also, the employer cannot fire or otherwise discipline an employee for exercising their FMLA rights, and employees can enforce their rights through a civil action or by filing a complaint with the Secretary of Labor.
- d. Forms. The Department of Labor, Wage and Hour Division, has forms ([WH-384](#) and [WH-385](#)) which may be used to request military family leave under this section.

C. Helping Heroes Child Care Program Act.

1. **Reference.** Statute. [20 ILCS 1325/1 et seq.](#)
2. **Applicability.** The Act applies to Illinois families with one or more parents deployed to Iraq or Afghanistan.
3. **Summary of the law.**
 - a. Eligibility. To be eligible for a child care voucher:
 - 1) The servicemember must be an Illinois resident on active military duty and deployed to Iraq or Afghanistan; and
 - 2) The family must meet the income eligibility requirements established by the Department of Human Services.
 - b. Benefits and restrictions. A family which meets the eligibility requirements is entitled to receive a child care voucher. However, benefits are payable only if Federal funding is available, and a family is not eligible for a voucher if the family receives child care services through the military. Also, a family which received child care assistance prior to the parent's deployment is eligible for a voucher only for the cost of additional child care hours made necessary by the deployment.

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D. Uniformed Services Former Spouses' Protection Act (USFSPA).

1. References.

- a. Statute. [10 U.S.C. 1408](#)
- b. Defense Finance and Accounting Service (DFAS): <http://www.dfas.mil/garnishment/retiredmilitary.html>

2. Summary of the law. The Act was passed by Congress to provide some financial protection to former spouses of servicemembers. The USFSPA does not give the former spouse any Federal right to a portion of the servicemember's military retired pay. However, the Act allows States to divide military retired pay as marital property upon divorce, allows DFAS to make direct payments to former spouses in some cases, and allows former spouses to continue receiving military benefits under certain circumstances.

a. Military retired pay.

- 1) A former spouse may be awarded a portion of the servicemember's military retired pay as marital property in a final order of dissolution, annulment or legal separation, or in a property settlement incident to such decrees. The court may award a percentage of the retired pay or a specific dollar amount, and the amount of the award generally depends on the overlap between the marriage and the military service.
- 2) The "10/10" rule. If a division of military retired pay is ordered by the court, the payments can be made directly to the former spouse from the Defense Finance and Accounting Service (DFAS) if the parties were married to each other for at least 10 years during which the member performed 10 years of creditable military service for retirement. However, the maximum amount directly payable to the former spouse is 50% of the servicemember's disposable retired pay. See the DFAS website for detailed rules and application procedures for direct payment.

b. Survivor Benefit Plan (SBP).

- 1) The former spouse's right to receive payments of the member's military retired pay, pursuant to a court order dividing such marital property, will end upon the servicemember's death unless the member elected to participate in SBP.
- 2) In this regard, the court can order the servicemember to participate in the SBP and pay the premiums, but the former spouse's entitlement to payments under the SBP will terminate if he/she remarries prior to age 55.

- c. Child support and maintenance/alimony. If the court orders payment of child support or maintenance/alimony, the former spouse can apply for direct payment of such amounts from DFAS. However, under the USFSPA, such payments are subject to the limitation that no more than 50% of disposable retired pay, including any amounts awarded as marital property, can be paid by DFAS. There is one exception to this limit which allows payments by DFAS of up to 65% of the member's retired pay if the court order includes arrearages for child support or maintenance/alimony.
- d. Medical, commissary, and exchange benefits.
 - 1) Full benefits. The former spouse is entitled to all of the above benefits, the same as any military dependent, if the following criteria are met:
 - a) "20/20/20" test. This test is met if: (1) the marriage to the servicemember lasted at least 20 years; (2) the servicemember has performed at least 20 years of creditable service towards retirement; and (3) the marriage and military service of the member overlap by at least 20 years.
 - b) The former spouse is not remarried; all benefits are lost upon remarriage. The former spouse also loses entitlement to military medical benefits if they are covered by an employer-sponsored medical insurance plan.
 - 2) Transition medical benefits. The former spouse is entitled to medical benefits for one year after the divorce is final if the following criteria are met:
 - a) "20/20/15" test. This test is met if: (1) the marriage to the servicemember lasted at least 20 years; (2) the servicemember has performed at least 20 years of creditable service towards retirement; and (3) the marriage and military service of the member overlap by at least 15 years.
 - b) The former spouse is not remarried; all benefits are lost upon remarriage. The former spouse also loses entitlement to military medical benefits if they are covered by an employer-sponsored medical insurance plan.
 - c) At the end of the one-year transition period, the former spouse may apply for coverage under the DoD Continued Health Care Benefit Program (CHCBP); however, the former spouse will be charged premiums for the coverage.

E. School/Education Benefits.

1. **School residency.** [105 ILCS 5/10-20.12b\(a-5\)](#): The Illinois School Code provides that a servicemember's dependent can continue in the same school even if they must change their residence due to the servicemember's deployment or military service obligations (e.g., pursuant to a Family Care Plan). The servicemember must make a written request to the school district,

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but no additional fees or costs can be charged (e.g., out-of-district tuition). However, the school district is not responsible for providing transportation to or from the school.

- 2. Tuition waiver at the University of Illinois.** [110 ILCS 305/9](#). Each county may award, annually, one waiver to the children of veterans who served in the Persian Gulf War, Operation Enduring Freedom, or Operation Iraqi Freedom. A tuition waiver may be awarded for each conflict, and each waiver provides four years of in-state tuition for graduate or undergraduate studies at any campus of the University. Eligibility and selection criteria, and the required application form, can be found at www.osfa.uiuc.edu. If more than one application is received for a particular waiver, preference is given to children of deceased and disabled veterans.
- 3. MIA/POW scholarship.** [105 ILCS 5/30-14.2](#). The Illinois Department of Veterans' Affairs may award a scholarship to the spouse or child of an Illinois veteran who has been declared by DoD or the U.S. Department of Veterans Affairs to be a prisoner of war or missing in action, or who died or is 100% disabled from service-connected causes. The scholarships are for the equivalent of four years of full-time enrollment in a State-supported public college or university, and they pay tuition and certain fees. If an eligible spouse or child has a physical or mental disability, the "scholarship" can be used to defray those expenses in lieu of using it for college. The Illinois Department of Veterans' Affairs determines eligibility for these benefits and pays all expenses under the program.

A. Illinois Military Family Relief Fund (IMFRF).

1. References.

- a. Statute: [20 ILCS 1805/22-9](#).
- b. Rules: [95 Ill. Adm. Code Part 200](#).

2. Applicability. This Act applies to members of the Illinois National Guard, to members of the Reserves who are also Illinois residents, and to their family members, if the servicemember was called to active military service as a result of the September 11, 2001 terrorist attacks.

3. Summary of Benefits.

- a. The Act provides for monetary grants to servicemembers and their families, primarily to offset financial hardships caused by mobilization and/or deployment of the servicemember.
- b. The grants are made based on applications submitted by the servicemember or dependent on forms provided by the Department of Military Affairs, and grants are subject to certain restrictions as detailed in the above-referenced rules governing the program.
- c. There are three types of grants provided for under the Act.
 - 1) Status-based grant of \$500. The applicant is eligible for this grant if the servicemember served on active military service for a minimum of 30 consecutive days as a result of the above terrorist attacks. However, officers in the pay grade of O-4 or higher, and warrant officers in the pay grade of W-4 or higher, are ineligible. Also, servicemembers deployed for longer than 6 consecutive months are eligible for additional status-based grants for each consecutive 6-month period.
 - 2) Family need-based grant of \$2000. The applicant is eligible for this grant if the "status-based grant" criteria are met, and the servicemember's military salary (including Basic Allowance for Housing) is at least 30% less than the servicemember's civilian salary (including National Guard or Reserve drill pay). However, servicemembers without dependent family members, as defined in the rules, are ineligible for this grant, as are servicemembers in pay grades of O-4 and W-4 or higher.
 - 3) Casualty-based grant of \$2000. The applicant is eligible for this grant if the servicemember served on active military service for a minimum of 30 consecutive days as a result of the above terrorist attacks; however, this 30-day requirement may be waived by the Adjutant General. The member must also have sus-

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tained a service-connected injury as a direct result of a terrorist or combat-related action, as defined in the rules. This grant will not be paid, however, if the casualty is the result of a self-inflicted wound or due to the member's misconduct, and it does not apply to deceased members.

- d. The above descriptions of grants, including grant amounts and eligibility criteria, are general in nature and may be changed by administrative rule. Therefore, review the rules before applying for any grant, and ensure the current application form is used.

B. Military Veterans Assistance Act.

1. **Reference.** [330 ILCS 45/1 et seq.](#)
2. **Applicability.** The Act applies to veterans who have served in the U.S. Armed Forces who were honorably discharged, and to their families, and to the families of otherwise eligible deceased veterans.
3. **Summary of the law.** The Act provides an avenue for veterans and their families to request financial assistance through military veterans organizations, as defined in the Act, or through the county Veterans' Assistance Commission (VAC) if one has been established. The request for assistance is processed through an assistance committee of the veterans' organization or the VAC, as applicable, for a recommendation to approve or disapprove the request. If approved, the funds are paid by the county with its funds, or with funds provided under the Illinois Public Aid Code and administered by the Illinois Department of Human Services.

C. Tax Benefits

1. Illinois Income Tax – Military Pay Exemption.

- a. **Reference.** Illinois Department of Revenue, Publication 102,: <http://tax.illinois.gov>
- b. **Applicability.** Applies to any Illinois resident or nonresident, required to file an Illinois income tax return, who has earned qualifying pay from military service while on active duty or in a Reserve Component, including the Illinois National Guard.
- c. **Summary of the law.** The following types of military pay, which have been included in the individual's adjusted gross income on their Federal tax form, may be deducted on the Illinois tax form:
 - 1) Pay for active military service in the U.S. Armed Forces, including basic training;
 - 2) Pay for military service in any Reserve Component, including a National Guard unit in Illinois or another State;
 - 3) Pay received as a retired member of the U.S. Armed Forces;

- 4) Pay received as a cadet at a U.S. military academy or in ROTC.

2. Federal Income Tax – Combat Zone Exclusion.

a. References.

- 1) Regulation. [26 C.F.R. §1.112-1](#)
- 2) Internal Revenue Service (IRS): Publication 3, Armed Forces Tax Guide: <http://www.irs.gov>

b. Applicability. Applies to any servicemember on active duty, including a mobilized member of the Reserves or National Guard, who is deployed to a “Combat Zone” (CZ), “Qualified Hazardous Duty Area” (QHDA), or an area “in direct support” of a Combat Zone.

c. Summary of the law.

- 1) Exclusion of military pay.
 - a) Military compensation (e.g., active duty pay and imminent danger or hostile fire pay) received by a member serving in a CZ or QHDA, as designated by the President by Executive Order, is excluded from the servicemember’s income for Federal tax purposes. Current designated Combat Zones include the Afghanistan area, Persian Gulf area, and Kosovo area. Designated Qualified Hazardous Duty Areas (QHDA) include Bosnia and Herzegovina, Croatia, and Macedonia. However, these areas can change through Executive Order (i.e., areas become, or cease to be, CZ’s or QHDA’s on the dates designated by the President).
 - b) Military service outside a CZ is considered to be performed in the CZ if:
 - 1) DoD designates the service to be in direct support of military operations in the CZ; and
 - 2) the servicemember qualifies for imminent danger or hostile fire pay.
 - c) Military compensation is excluded from income for any month in which the servicemember either served in a qualifying area or was hospitalized as a result of wounds, disease, or injury incurred while serving in the area. Also, military compensation for the entire month is excluded if the member served in a qualifying area for any part of one or more days during a particular month.
 - d) Enlisted and warrant officers can exclude all military pay for a qualifying month. Commissioned officers can exclude only an amount equal to

Section V: Financial Assistance and Tax Relief

the highest enlisted member's pay (E-9) plus the imminent danger or hostile fire pay received.

- 2) Extension of tax deadlines. Members serving in a CZ or QHDA, or a qualifying Contingency Operations (CO) area, are entitled to a 180-day extension for certain Federal tax actions. The extension begins on the last day the servicemember is in the qualifying area or hospital, and the Federal tax actions include, but are not limited to, filing a Federal income tax return, paying taxes which may be owed, and filing a claim for a refund. No penalties will be imposed for failure to file a return or pay taxes during the extension period. The deadline is also extended an additional day for each day the service member is in a CZ, QHDA, or CO area during tax season (i.e., 1 January to 15 April). Furthermore, if the servicemember is married and filing a joint return, the extension generally applies to the spouse also, but with limited exceptions.
- 3) Forgiveness of tax liability.
 - a) Tax liability can be forgiven, or will be refunded if already paid, if a servicemember dies from wounds, disease, or other injury received in a CZ, QHDA, or qualifying area in support thereof. The tax forgiveness applies to the tax year in which death occurred, to any earlier tax year ending on or after the first day the member served in the qualifying area, and to any unpaid taxes for years ending before the member began serving in the qualifying area.
 - b) Tax liability can be forgiven, or will be refunded if already paid, if a servicemember dies from wounds or injury incurred in a terrorist activity directed against the United States or its allies. The tax forgiveness applies to the tax year in which death occurred, and to any earlier tax years beginning with the year before the year in which the wounds or injury occurred.
 - c) For joint returns, only the decedent's part of the joint income tax liability is eligible for the tax forgiveness or refund.

3. Illinois Property Tax Provisions.

a. Returning Veteran's Homestead Exemption.

- 1) Reference. [35 ILCS 200/15-167](#).
- 2) Applicability. The Act applies to Illinois veterans who have served on active duty in an armed conflict, including members of the Illinois National Guard and Reserves who were mobilized for such duty.

3) Summary of the law.

- a) The veteran is entitled to a one-time \$5,000 reduction in the equalized assessed value of their property for the taxable year in which the veteran returns from such duty.
- b) The exemption is applicable to the veteran's principal residence for which he/she is responsible for the payment of real estate taxes.
- c) The veteran must apply for the exemption at the county assessor's office during the application period in effect for their county of residence.

b. Disabled Veterans Standard Homestead Exemption.

1) Reference. [35 ILCS 200/15-169](#).

2) Applicability. The Act applies to an Illinois resident who has served as a member of the U.S. Armed Forces, or a Reserve Component, including the Illinois National Guard, and who received an honorable discharge.

3) Summary of the law.

- a) The exemption applies to veterans with a service-connected disability as determined and certified by the U.S. Department of Veterans Affairs.
- b) The veteran is entitled to an annual reduction in the equalized assessed value of the property in the amount of \$5,000 if their disability is at least 75%, and a reduction of \$2,500 if their disability is at least 50%, but less than 75%.
- c) The exemption is applicable to the veteran's primary residence with an equalized assessed value of less than \$250,000, and the exemption extends to the veteran's surviving spouse as long as the spouse holds title to the property, lives in the residence, and does not remarry.
- d) The veteran must apply for the exemption at the county assessor's office during the application period in effect for their county of residence.

c. Disabled Veterans Homestead Exemption.

1) Reference. [35 ILCS 200/15-165](#).

2) Applicability. The Act applies to any Illinois resident who has served in the U.S. Armed Forces and is a disabled veteran as defined in the Act.

3) Summary of the law.

Section V: Financial Assistance and Tax Relief

- a) The exemption applies to veterans whose disability is such that the Federal government has authorized payment for the purchase or construction of Specially Adapted Housing.
- b) The veteran is entitled to an annual reduction in the equalized assessed value of the property in the amount of \$70,000.
- c) The exemption is applicable to the disabled veteran and to an unmarried surviving spouse who continues to live in the residence.
- d) The exemption must be requested annually and certified through the Illinois Department of Veterans' Affairs.

d. Extension to Pay Property Taxes.

- 1) Reference. Illinois Property Tax Code, [35 ILCS 200/21-5 et seq.](#) (See Sections 21-15, 21-20, 21-25, and 21-310)
- 2) Applicability. The Act applies to Illinois residents who are also members of the Illinois National Guard or Reserves of the U.S. Armed Forces.
- 3) Summary of the law.
 - a) The extension is applicable only to a servicemember who has an ownership interest in taxable property, the servicemember is called to active duty for deployment outside the continental United States, and the servicemember is on active duty on the date any installment of such taxes is due.
 - b) In such a case, taxes will not be considered delinquent, and no interest or penalties may accrue or be charged, until 180 days after the member returns from active duty.
 - c) The servicemember must make a reasonable effort to notify the clerk and county collector of the activation to active duty.
 - d) The servicemember must also notify the county clerk and county collector of their deactivation date within 180 days thereafter, and failure to do so may result in imposition of interest and penalties as delinquent taxes from the date of deactivation.
 - e) If a servicemember qualifies for an extension, but the servicemember's property is sold for delinquent taxes, the sale shall be deemed in error and set aside.

A. Illinois Human Rights Act.

1. References.

- a. Statute. [775 ILCS 5/1-101 et seq.](#)
- b. Rules. [56 Ill. Admin. Code Part 2520.](#)

2. Applicability. The Act prohibits discrimination against a servicemember based on their military status, which is defined to include members on active duty or veterans thereof, current members or veterans of any Reserve unit of the armed forces, and current members or veterans of the Illinois National Guard.

3. Summary of the law.

a. The law generally protects servicemembers and veterans in the following areas:

- 1) Employment (Section 2-102). An employer cannot refuse to hire, or in any other manner discriminate against a person with respect to recruitment, hiring, promotion, renewal of employment, discharge or discipline, or terms or conditions of employment, based on the member's military status. For example, an employer cannot refuse to hire a member of the National Guard, or to fire an employee if they enlist, because they are afraid the person may be deployed or called to active duty on short notice.
- 2) Real estate transactions (Section 3-102). An owner or lessor of real estate cannot refuse to sell or lease real estate, or to alter the terms or conditions of a real estate transaction, or in any other manner discriminate against a person based on the member's military status. For example, a landlord cannot refuse to lease an apartment to a member of the National Guard because they are afraid the person may be called to active duty and terminate the lease under the SCRA.
- 3) Financial credit (Section 4-102). Financial institutions and credit card companies cannot deny a loan or credit card, or modify services which they provide, or alter the terms of a loan based on the member's military status. For example, members of the National Guard may reduce interest rates or pre-service loans to 6% if called to active duty, and a bank cannot charge the member a higher rate of interest on the initial loan to make up the difference in case the member is mobilized.
- 4) Public accommodations (Section 5-102). Any facility which is open to the public, such as restaurants, hotels, golf courses, theatres, stores, railroads, airports and airlines, etc., cannot refuse any services, or restrict any access or service offered by the facility, to any person based on the member's military status.

Section VI: Anti-Discrimination Laws

5) Illinois Patriot Plan. Violations of certain provisions of the Patriot Plan (e.g., refusal to reduce interest rates for eligible servicemembers) are considered to be civil rights violations under the Act. See Section II.B of this Pamphlet.

b. Enforcement. Any person who feels they have been discriminated against, based on military status, may file a complaint with the Illinois Department of Human Rights (DHR). The Department will investigate the complaint and, if found to be substantiated, will attempt to settle the complaint and obtain relief for the complainant. If DHR is unable to settle the complaint, the Department may initiate judicial action against the discriminating party, or the complainant may initiate such action.

B. Uniformed Services Employment and Reemployment Rights Act (USERRA).

1. References.

- a. [38 U.S.C. 4311](#)
- b. [20 C.F.R. Part 1002, Subpart B.](#)

2. Applicability. See Section I.A of this Pamphlet.

3. Summary of the law.

- a. Eligibility. Section 4311 of USERRA prohibits employment discrimination against any person who:
 - 1) Is a member of the uniformed services; or
 - 2) Has applied to be a member of a uniformed service; or
 - 3) Has performed, applied to perform, or has an obligation to perform military service; or
 - 4) Has exercised a right under USERRA, or has assisted or participated in an investigation or proceeding under USERRA.
- b. Prohibition. An employer cannot deny initial employment, reemployment, retention in employment, promotion, or deny any benefit of employment, or take any other adverse employment action against a person based on the person's military membership, application for membership, performance of military duty, or involvement in a USERRA action.
- c. An employer shall be considered to have engaged in a prohibited action if any factor under paragraph 3a above was a motivating factor in the employer's action, unless the employer can prove that the action would have been taken away.
- d. Enforcement. See Section I.A.3.f of this Pamphlet.

C. Military Code of Illinois.

1. **Reference.** Statute. [20 ILCS 1805/100](#).

2. **Applicability.** This section of the Act applies to members of the Illinois National Guard and to members of the Reserves.

3. Summary of the law.

a. Prohibition. This section of the Military Code prohibits:

- 1) Willfully depriving a servicemember of their employment, or denying or preventing their employment, or interfering with the servicemember or their employer because of the member's military status; or
- 2) Dissuading any person from enlisting in the National Guard by threatening injury with respect to their employment or business.

b. Enforcement. Violation of any of the above prohibitions is a petty offense.

Section VII: Death Benefits

A. Illinois National Guardsman's Compensation Act.

1. **Reference.** Statute. [20 ILCS 1825/1 et seq.](#)
2. **Applicability.** The Act applies to any member of the Illinois National Guard.
3. **Summary of the law.**
 - a. Eligibility. The death benefit under this Act applies if:
 - 1) The servicemember dies as a result of injuries received while on military duty, but not on active duty pursuant to an order of the President;
 - 2) The death occurs within one year of the date of injury; and
 - 3) The death was not caused by willful misconduct or intoxication.
 - b. Compensation. The current death benefit is \$301,236.05, which increases each year by the percentage increase in the Consumer Price Index.
 - c. Beneficiaries.
 - 1) The death benefit will be payable to surviving beneficiaries as designated by the member on DMAIL Form 094 or other written instrument.
 - 2) If no beneficiary is designated, the recipients will be determined in the following order:
 - a) Surviving spouse;
 - b) If no surviving spouse, then to surviving descendents (children, grandchildren, etc.);
 - c) If no surviving spouse or descendents, then to surviving parents in equal shares, with the entire amount to the surviving parent if only one parent survives; or
 - d) If no surviving spouse, descendents or parents, then to dependent surviving siblings, or dependent descendents of deceased siblings, in equal parts.
 - 3) If no beneficiary is designated, and none of the statutory beneficiaries survive the member, then no compensation is payable.
 - d. Filing and processing.
 - 1) The death benefit is payable only if a claim is filed with the Illinois Court of Claims, using the form furnished by the State, within one year of the member's death.

- 2) The applicable form may be obtained from the Illinois Court of Claims, Clerk of the Court, at (217) 782-7101, or online at: <http://www.cyberdriveillinois.com/publications/consprotpub.html>.

4. Form. DMAIL Form 094.

B. Illinois Line of Duty Compensation Act.

1. Reference. Statute. [820 ILCS 315/1 et seq.](#)

2. Applicability. The Act applies to any Illinois resident who is also on active duty in the U.S. Armed Forces, or is a member of the Illinois National Guard or Reserves on active military service pursuant to an order of the President.

3. Summary of the law.

- a. Eligibility. The death benefit under this Act applies to servicemembers who die while on active duty in connection with Operation Enduring Freedom or Operation Iraqi Freedom.
- b. Compensation. The current death benefit is \$301,236.05, which increases each year by the percentage increase in the Consumer Price Index.
- c. Beneficiaries.
 - 1) The death benefit will be payable to surviving beneficiaries as designated by the member on DMAIL Form 094 or other written instrument.
 - 2) If no beneficiaries are designated, or if none are surviving, compensation will be paid to the beneficiaries as designated on the servicemember's SGLI form;
 - 3) If there is no SGLI form, compensation will be paid in accordance with the servicemember's will; or
 - 4) If there are no beneficiaries as designated above, the recipients will be determined in the following order:
 - a) Surviving spouse;
 - b) If no surviving spouse, then to surviving descendents (children, grandchildren, etc.);
 - c) If no surviving spouse or descendents, then to surviving parents in equal shares, with the entire amount to the surviving parent if only one parent survives;
 - d) If no surviving spouse, descendents or parents, then to dependent surviving siblings or dependent descendents of deceased siblings, in equal

Section VII: Death Benefits

parts.

- 5) If no beneficiary is designated, and none of the statutory beneficiaries survive the member, then no compensation is payable.

d. Filing and processing.

- 1) The death benefit is payable only if a claim is filed with the Illinois Court of Claims, using the form furnished by State, within one year of the member's death.
- 2) The applicable form may be obtained from the Illinois Court of Claims, Clerk of the Court, at (217) 782-7101, or online at: <http://www.cyberdriveillinois.com/publications/consprotpub.html>

4. Form. DMAIL Form 094.

C. Federal Military Death Benefits.

1. Servicemembers' Group Life Insurance (SGLI).

- a. SGLI is a low-cost group life insurance program available to all active duty, National Guard and Reserve members of the U.S. Armed Forces. Also, death benefits are payable whether or not the servicemember is performing military duty at the time of death.
- b. Coverage for the servicemember is available in \$50,000 increments up to a maximum of \$400,000, with premiums paid based on the amount of coverage selected. Beneficiaries are designated by the servicemember on SGLV 8286.
- c. Coverage for the servicemember's spouse, under the Family Service Members' Group Life Insurance (FSMGLI), is automatic unless declined by the servicemember; if not declined, coverage is in the amount of \$100,000 or the amount elected for SGLI, whichever is less.
- d. The servicemember may designate any person, corporation or legal entity, either individually or as a trustee or custodian, as a beneficiary under the SGLI program. However, if the servicemember is married, the spouse must be notified if the member elects other beneficiaries to receive some or all of the proceeds.
- e. The U.S. department of Veterans Affairs has a website with detailed information on SGLI and FSMGLI, including a "calculator" to determine how much life insurance a servicemember should have, at <http://www.insurance.va.gov>.

2. Death Gratuity.

- a. The death gratuity is a payment made on behalf of a servicemember who dies while

performing military service, whether on active duty or while serving in the Reserves or National Guard.

- b. The current death gratuity is a \$100,000 tax-free payment to the beneficiaries as designated by the servicemember on their DD Form 93, Record of Emergency Data.
- c. As of 1 July 2008, the servicemember can designate up to 10 different beneficiaries to receive portions of the payment. However, if the servicemember is married, the spouse must be notified if the member elects other beneficiaries to receive some or all of the gratuity.

D. Survivors Compensation Act.

1. References.

- a. Statute. [330 ILCS 100/1 et seq.](#)
- b. Rules. [95 Ill. Admin. Code Part 120](#)

2. Applicability. The Act applies to the survivors of Illinois servicemembers who were killed as a result of hostile action while serving in the U.S. Armed Forces.

3. Summary of the law.

- a. Eligibility.
 - 1) The servicemember must have been an Illinois resident for at least 12 months immediately preceding entry into military service; and
 - 2) The servicemember's death must have been service-connected and as a result of hostile action.
- b. Benefits.
 - 1) If the servicemember's death is during a period of service which is not recognized by award of a U.S. campaign or service medal, the compensation award is \$1,000.
 - 2) If the servicemember's death is during a period of eligibility for the Global War on Terrorism Expeditionary Medal or the Global War on Terrorism Service Medal, the compensation award is \$3,000.
- c. Beneficiaries. The compensation shall be paid in the following order:
 - 1) Widow or widower;
 - 2) Child or children;

Section VII: Death Benefits

- 3) Mother;
- 4) Father;
- 5) Persons standing in loco parentis; or
- 6) Brothers and sisters.

d. Claims and filing. The beneficiary must file a claim with the Illinois Department of Veterans' Affairs, and that Department shall determine appropriate filing procedures, payment amounts, and proper beneficiaries. If no claim is received from a preceding beneficiary, the Department may accept a claim from succeeding beneficiaries. Also, no right or claim to such compensation may be assigned.

E. Military Funeral Honors.

1. Department of Defense.

- a. Reference. <http://www.militaryfuneralhonors.osd.mil>.
- b. Summary of the law. As a general rule, any servicemember who dies while serving on active duty, in the Reserves, or in the National Guard is eligible for military funeral honors. Former military members who were not dishonorably discharged are also eligible if they completed at least one term of enlistment, or were discharged due to a disability incurred or aggravated in the line of duty. Detailed information on the benefit, including statutory references, can be found at the above site.

2. State of Illinois.

- a. Reference. Statute. [20 ILCS 1805/28.1 et seq.](#)
- b. Summary of the law. State military funeral honors may be provided to Illinois veterans if Federal military funeral honors are not provided through DoD. Therefore, before requesting State military funeral honors, a request for such honors must have been made to Federal authorities, and the request must have been denied, but this requirement may be waived by the Adjutant General with approval of the Governor. However, there is no entitlement to military funeral honors under this provision, and it is subject to the availability of appropriated State funds.

A. State Active Duty (SAD).

1. **Reference.** Military Code of Illinois, [20 ILCS 1805/1 et seq.](#).
2. **Applicability.** Applies to members of the Illinois National Guard while in active military service pursuant to orders of the Governor.
3. **Summary of the law.**
 - a. Pay (sections 48 and 49 of the Military Code). All personnel ordered to State Active Duty (SAD) receive the same rate of basic pay as if on Federal active duty, but not less than \$75.00 per day.
 - b. Medical Care (sections 52 and 53 of the Military Code).
 - 1) The Illinois National Guard is authorized to provide medical care to personnel on SAD, and to pay for such care on vouchers approved by the Adjutant General.
 - 2) Personnel on SAD orders who are injured or disabled in the line of duty, such that they cannot perform their civilian occupation, are covered under the Illinois Workers' Compensation Act (820 ILCS 305/1 [et seq.](#)). Under that Act, the State will pay for required medical treatment and will pay compensation for lost wages and disability.
 - c. Financial assistance (section 53 of the Military Code). If a servicemember is injured or killed on SAD, the servicemember or their dependents or heirs, can file a claim for financial assistance through the Illinois Court of Claims.
 - d. State Employee Indemnification Act ([5 ILCS 350/1 et seq.](#)).
 - 1) If a servicemember is sued as a result of their actions on SAD, and those actions were within the scope of their duties and not due to willful or wanton misconduct, then the office of the Illinois Attorney General will represent the member in the proceeding.
 - 2) The State will pay all court costs and litigation expenses, and if there is a judgment against the member, the judgment will be paid by the State of Illinois.

B. Veterans' Health Insurance Program Act of 2008.

1. **References.**
 - a. Statute. [330 ILCS 126/1 et seq.](#)
 - b. Rules. [89 Ill. Admin. Code Part 128.](#)

Section VIII: Miscellaneous State Benefits

2. Applicability. The Act applies to servicemembers who have served for at least 180 consecutive days after initial training in any branch of the U.S. Armed Forces, including the National Guard and Reserves.

3. Summary of the law.

a. Eligibility. To be eligible for the Program, a veteran must be:

- 1) Separated from active duty, but not dishonorably discharged;
- 2) A resident of the State of Illinois;
- 3) At least 19, but less than 65 years old;
- 4) Uninsured, as defined by the Illinois Department of Healthcare and Family Services, for at least 6 months;
- 5) Ineligible for medical assistance under the Illinois Public Aid Code;
- 6) Ineligible for medical benefits through the U.S. Department of Veterans Affairs; and
- 7) Earning less than the income threshold as determined by statute and the Illinois Department of Healthcare and Family Services.

b. Health care benefits.

- 1) The Department of Healthcare and Family Services shall purchase or provide health care benefits to eligible and enrolled veterans which are identical to the benefits provided to adults under the State's approved plan under Title XIX of the Social Security Act, except for nursing facility services and non-emergency transportation. Health care providers shall also be reimbursed at the same rates as described in that plan.
- 2) As an alternative to providing health care, the State may offer subsidies toward the cost of purchasing private health insurance, including employer-sponsored health insurance.

c. Restrictions.

- 1) Health care under this program is not an entitlement. The program is subject to availability of appropriated funds, and the Department has the authority to restrict or limit services, restrict enrollments, and to adjust cost-shares or income thresholds to control expenditures under the program.
- 2) Eligible veterans must enroll in the program, maintain eligibility under the program, and pay monthly premiums and co-payments as determined by the De-

partment.

- 3) Once enrolled, veterans are eligible for benefits for 12 months, or such lesser period as determined by the Department, at which time eligibility is reviewed for renewal.
 - 4) Veterans who are residents of a nursing facility, or inmates in a public institution, are not eligible for coverage under the program.
- d. Appeals. If the Department denies or terminates eligibility under the program, the veteran has a right to notice and a hearing.
 - e. Program rules. The Illinois Administrative Rules governing this program are detailed and need to be reviewed if interested in this benefit.
 - f. Repeal. This program is scheduled to be repealed on January 1, 2012.

C. Illinois Veterans Homes.

1. References.

- a. Statute. [20 ILCS 2805/1 et seq.](#); (see Sections 2.01-2.06).
- b. Rules. [95 Ill. Admin. Code Part 107](#).

2. **Applicability.** The Act applies to veterans who have served in the U.S. Armed Forces, including the Reserves and National Guard.

3. Summary of the law.

- a. Eligibility. To be eligible for residential care, a veteran must:
 - 1) Have been honorably discharged;
 - 2) Have service accredited to the State of Illinois, or been a resident of Illinois for one year immediately preceding the date of application;
 - 3) Meet one of the following service requirements:
 - a) Served at least one day on active duty during dates established as a wartime period, or served in a hostile fire environment and been awarded a campaign or expeditionary medal, to be eligible for domiciliary or nursing home care;
 - b) Served at least one year on active duty, or for 20 years in the Reserves or National Guard qualifying for retirement pay, to be eligible for domiciliary care only;

Section VIII: Miscellaneous State Benefits

- c) Served as otherwise required under the statute and Department rules;
and
 - 4) Must be disabled, and be incapable of earning a living or require nursing home care, because of the disability.
- b. Benefits and conditions.
- 1) The veteran must pay maintenance charges at a rate determined by the Department of Veterans' Affairs, based on the veteran's ability to pay. However, the veteran's ability to pay is not a criteria for admission to a veteran's home.
 - 2) The Department is also entitled to collect any medical or healthcare insurance benefits to which the veteran is entitled.
 - 3) If space is available, the veteran's spouse may also be admitted to the Veteran's Homes at Anna or Quincy if they have been married at least 5 years and the spouse has no adequate means of support and is unable to earn a living.
 - 4) If space is available, a veteran's widow or widower may be admitted to the Veteran's Homes at Anna or Quincy if the veteran would have met the eligibility criteria for admission, the widow or widower has been a resident of the State of Illinois for a continuous one-year period immediately before making application, and the widow or widower has no adequate means of support and is unable to earn a living.
- c. Rules. The Department of Veterans' Affairs has the authority to make rules governing the admission, maintenance, and discharge of residents.

D. Motor Vehicle Laws.

1. Driver's license exemptions.

- a. Under the provisions of [625 ILCS 5/6-102\(5\)](#), an Illinois resident who is on active duty and serving Outside the Continental United States (OCONUS) is exempt from the requirement to have an Illinois driver's license for a period of 45 days following their return to CONUS.
- b. Under the provisions of [625 ILCS 5/6-115\(d\)](#), an Illinois resident on active duty outside the State of Illinois may request to have the expiration of their driver's license deferred, and those of their spouse and dependent children living with them, while serving outside the State and for 90 days thereafter. The servicemember must, however, make a request for the Military Deferral Certificate through the office of the Secretary of State.

2. **Special license plates.** Under the provisions of [625 ILCS 5/3-600 et seq.](#), the Secretary of State may issue special military license plates. The special license plates currently authorized are:

- a. Disabled Veteran (section 3-609);
- b. Congressional Medal of Honor (section 3-609.1);
- c. Prisoner of War (section 3-620);
- d. National Guard (section 3-621);
- e. Armed Forces Reserves (section 3-622);
- f. Purple Heart (section 3-623);
- g. Retired Member of the Armed Forces (section 3-624);
- h. Pearl Harbor (section 3-625);
- i. Korean War Veteran (section 3-626);
- j. Bronze Star (section 3-628);
- k. U.S. Veteran (section 3-638);
- l. Silver Star (section 3-642);
- m. Vietnam Veteran (section 3-645);
- n. World War II Veteran (section 3-647);
- o. Army Combat Veteran (section 3-650); and
- p. U.S. Marine Corps (section 3-651).

E. Camping and State Park Admission Fees.

1. Under the provisions of [20 ILCS 2805/5](#) and [95 Ill. Adm. Code Part 118](#), an Illinois resident who is also a “disabled veteran” or “former prisoner of war” is permanently exempt from all camping and admission fees in parks under the control of the Department of Natural Resources. The veteran must meet the eligibility criteria as determined by statute and rule, and must present an award letter or other governmental documentation establishing such eligibility to the Illinois Department of Veterans’ Affairs.
2. Under the provisions of [20 ILCS 805/805-305](#), Illinois residents who return from active duty service abroad, or mobilization of Reserve and National Guard members by order of the President, are exempt from camping fees for the amount of time that the active duty member spent in service abroad or the Reserve/National Guard member was mobilized. In this regard, any portion of a year that the member spent abroad or mobilized counts as a full year. The servicemember must, however, apply for the pass within two years of their return and provide proof of qualifying military service.

Section VIII: Miscellaneous State Benefits

F. Hunting and Fishing Licenses.

1. Under the provisions of [515 ILCS 5/20](#), Illinois residents who return from active duty service abroad, or mobilization of Reserve and National Guard members by order of the President, will receive one free fishing license for each year, or portion thereof, that the active duty member spent in service abroad or the Reserve/National Guard member was mobilized. The service-member must, however, apply for the benefit within two years of their return and provide proof of qualifying military service.
2. Under the provisions of [520 ILCS 5/3.1-4](#), Illinois residents who return from active duty service abroad, or mobilization of Reserve and National Guard members by order of the President, will receive one free hunting license, one free Deer Hunting Permit, and one free State Habitat Stamp for each year, or portion thereof, that the active duty member spent in service abroad or the Reserve/National Guard member was mobilized. The servicemember must, however, apply for the benefit within two years of their return and provide proof of qualifying military service.

**THE FOLLOWING FORMS
ARE INTENTIONALLY BLANK, AND ARE
FOR USE AS STATED IN THE
APPROPRIATE SECTIONS OF THIS PAMPHLET.**

EMPLOYER NOTIFICATION LETTER (USERRA)

(Insert Servicemember's Name, Address and Telephone)

Four horizontal lines for entering the servicemember's contact information.

(Insert Employer's Name and Address)

Four horizontal lines for entering the employer's name and address.

To Whom It May Concern:

As a member of _____, I have been ordered to active military service beginning on _____. Therefore, my last day of work before I begin my military service will be _____, and I expect to return to work on or about _____. I have enclosed a copy of my military orders for your records.

My absence from work during this period of military service is protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA), which is codified at Title 38, United States Code, Sections 4301-4334. Upon my return, I will submit an application for reinstatement in accordance with the provisions of that Act.

I regret any inconvenience that my leaving may cause, and I appreciate your support during my absence. Also, if you have any questions concerning the above Act, please contact the National Committee for Employer Support of the Guard and Reserve (1-800-336-4590). Thank you very much.

(Date)

(Servicemember's Signature)

***Deliver Letter in person, or send "Certified Mail, Return Receipt Requested" and include a copy of military orders.

REQUEST FOR REINSTATEMENT LETTER (USERRA)

(Insert Servicemember's Name,
Address, and Telephone)

(Insert Employer's Name and Address)

To Whom It May Concern:

On _____, I entered active military service with
(Insert Date Here)

_____, and I was honorably released
(Insert Unit Here)

from active military service on _____.
(Insert Date Here)

Please accept this letter as my formal request to be reinstated in my former job,
under the provisions of the Uniformed Services Employment and Reemployment Rights
Act (USERRA), 38 U.S.C. 4301-4334. I would like to report to work on _____,
(Insert Date Here)
and please call me at the number listed above if this date is not convenient.

Thank you very much for your consideration, and if you have any questions
concerning the above Act, please contact the National Committee for Employer Support
of the Guard and Reserve (1-800-336-4590).

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send "Certified Mail, Return Receipt Requested."*****

EMPLOYER NOTIFICATION LETTER (ILLINOIS)

(Insert Servicemember's Name,
Address and Telephone)

(Insert Employer's Name and Address)

To Whom It May Concern:

As a member of _____, I have
(Insert Unit Here)
been ordered to active military service beginning on _____. Therefore,
(Insert Date Here)
my last day of work before I begin my military service will be _____,
(Insert Date Here)
and I expect to return to work on or about _____. I have enclosed a
(Insert Date Here)
copy of my military orders for your records.

My absence from work during this period of military service is protected under the Illinois National Guard Employment Rights Law (20 ILCS 1805/30.1 et seq.) and the Service Member's Employment Tenure Act (330 ILCS 60/1 et seq.). Upon my return, I will submit an application for reinstatement in accordance with applicable provisions of those Acts.

I regret any inconvenience that my leaving may cause, and I appreciate your support during my absence. Thank you very much.

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send "Certified Mail, Return Receipt Requested" and include a copy of military orders.**

I.B.2

REQUEST FOR REINSTATEMENT LETTER (ILLINOIS)

(Insert Servicemember's Name,
Address, and Telephone)

(Insert Employer's Name and Address)

To Whom It May Concern:

On _____, I entered active military service with
(Insert Date Here)
_____, and I was honorably released
(Insert Unit Here)
from active military service on _____.
(Insert Date Here)

Please accept this letter as my formal request to be reinstated in my former job,
and I would like to report to work on _____. Please call me at the
(Insert Date Here)
number listed above if this date is not convenient. Also, please be advised that under
applicable provisions of State law, I am entitled to be reinstated as soon as possible.

Thank you very much for your consideration and your support during my
absence.

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send "Certified Mail, Return Receipt Requested."*****

I.C.1

REQUEST FOR EMPLOYMENT LETTER (OFFER OF EMPLOYMENT)

(Insert Servicemember's Name, Address, and Telephone)

Four horizontal lines for address and telephone information.

(Insert Employer's Name and Address)

Four horizontal lines for employer name and address.

To Whom It May Concern:

On (Insert Date Here), I entered active military service with (Insert Unit Here), and I was honorably released from active military service on (Insert Date Here). I have enclosed a copy of my military orders for your records.

Prior to receipt of the above military orders, I was offered employment by your firm as (Insert Position Title), with a start date of _____.

Please accept this letter as a request for a copy of that employment offer, and as my formal request to be employed in that position. Please be advised that I am making this request under the provisions of the Service Member's Employment Tenure Act (330 ILCS 60/4.5), which gives me a preference for immediate employment.

Thank you very much for your consideration, and I look forward to working at your company.

(Date)

(Servicemember's Signature)

***Deliver Letter in person, or send "Certified Mail, Return Receipt Requested" and include a copy of military orders.

REDUCTION OF INTEREST RATES (SCRA)

(Insert Servicemember's Name and Address)

Four horizontal lines for the servicemember's name and address.

(Insert Creditor's Name and Address)

Four horizontal lines for the creditor's name and address.

Reference Account Number(s): _____

Dear Sir or Madam:

Please be advised that I am a member of the following military unit: _____, and I have been ordered to active military service on the following date: _____. I have enclosed a copy of my military orders for your records.

Due to my entry onto active duty, I have experienced a decrease in salary, and my ability to meet my financial obligations has been materially affected. Under these circumstances, Section 207 of the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. App. 527, prescribes a ceiling of six percent (6%) annual interest on any obligation. Therefore, I request that you reduce the interest rate on the above referenced accounts to 6% as of the date I entered active duty. Under the SCRA, this interest rate must be maintained for the entire period I am on active duty, and this percentage cap includes all service charges, renewal charges, and fees. Furthermore, any interest above this statutory ceiling must be forgiven rather than accrued.

Please adjust my accounts to comply with this new rate, and please send a confirmation of the interest rate reduction and my new payment schedule. Also, thank you very much for your cooperation and assistance in this matter.

Sincerely,

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send by "Certified Mail, Return Receipt Requested" and include copy of military orders.**

II.A.2

TERMINATION OF RESIDENTIAL/BUSINESS LEASE (SCRA)

(Insert Servicemember's Name and Address)

(Insert Landlord's Name and Address)

Reference Apartment/Home/Business Address: _____

Dear Sir or Madam:

Please be advised that I am a member of the following military unit:

_____, and I have been ordered to active military service on the following date: _____. I have enclosed a copy of my military orders for your records.

Due to my entry onto active duty, I will not be able to continue my lease at the above address. Under these circumstances, Section 305 of the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. App. 535, authorizes my termination of this lease. Therefore, I am hereby notifying you that I am terminating the above lease effective thirty (30) days after the date my next rental payment is due. If you are holding a security deposit or any rent paid in advance, please send a refund to me at the address listed above.

Thank you very much for your cooperation and assistance in this matter.

Sincerely,

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send by "Certified Mail, Return Receipt Requested" and include copy of military orders.**

TERMINATION OF AUTOMOBILE LEASE (SCRA)

(Insert Servicemember's Name and Address)

Four horizontal lines for address entry.

(Insert Lessor's Name and Address)

Four horizontal lines for address entry.

Reference Vehicle Year, Make, Model & VIN: _____

Dear Sir or Madam:

Horizontal line for name entry.

Please be advised that I am a member of the following military unit:

_____, and I have been ordered to active military service on the following date: _____. I have enclosed a copy of my military orders for your records.

Due to my entry onto active duty, I will not be able to continue my lease of the above vehicle. Under these circumstances, Section 305 of the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. App. 535, authorizes my termination of the lease. Therefore, I am hereby notifying you that I am terminating the above lease, and I will return the leased vehicle to you within 15 days after delivery of this notice. Under the SCRA, the termination will be effective upon the date the vehicle is delivered to you.

Under the SCRA, I understand I do not have to pay an early termination charge, but I am liable for the prorated part of my last monthly payment. I also understand I am liable for any taxes, title and registration fees, reasonable charges for excess wear and mileage, and any other amounts owed under the lease that are due and unpaid on the date of termination.

Thank you very much for your cooperation and assistance in this matter.

Sincerely,

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send by "Certified Mail, Return Receipt Requested" and include copy of military orders.**

STAY OF COURT PROCEEDINGS (SCRA)

(Insert Servicemember's Name and Address)

Four horizontal lines for inserting the servicemember's name and address.

(Insert Court's Name and Address)

Four horizontal lines for inserting the court's name and address.

Reference Case Number: _____

Dear Sir or Madam:

Please be advised that I am a member of the following military unit:

_____, and I have been ordered to active military service on the following date: _____. I have enclosed a copy of my military orders for your records.

My entry onto active duty has materially affected my ability to participate in the above case. Under these circumstances, Section 202 of the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. App. 522, provides for a stay of legal proceedings. Therefore, I request a stay in the above proceedings until the following date: _____. Until that date, I will not be able to attend any hearings, present any type of defense, or effectively protect my interests in this matter because of my military deployment and/or military duties as follows: _____

Two horizontal lines for detailing military duties.

I have also enclosed a letter from my commander concerning my military duties, and that letter confirms that military leave is not authorized for my appearance at this time.

Thank you very much for your cooperation and assistance in this matter, and please advise me of my next court date.

Sincerely,

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send by "Certified Mail, Return Receipt Requested" and include copy of military orders and Commander's Letter.**

**COMMANDER’S LETTER
STAY OF COURT PROCEEDINGS (SCRA)**

To: _____(Name of Court)

Reference: Case Number: _____

Servicemember’s Name: _____

Dear Sir or Madam:

I am an officer in the U.S. Armed Forces writing on behalf of the above servicemember who is a party to an action now pending before your court. The above servicemember is assigned to my command and is currently serving on active duty military service at the following installation:

_____.

The above servicemember will be unable to attend any hearings in the above case because of their military duties until the following date:_____. Until then, the servicemember is needed by this unit and is not authorized military leave due to the following duties/reasons:

Therefore, under the provisions of Section 202 of the Servicemembers Civil Relief Act (SCRA), I request that you grant a stay in the court proceedings until the above-mentioned date. I will personally ensure that the above servicemember is placed on military leave immediately following the completion of the duties described above so that he/she may appear at the next scheduled court date after the requested delay. I am furnishing this information under the SCRA in my capacity as a commander charged with a mission supporting the national security of this nation, and I request that you delay the proceedings to allow this servicemember to perform a critical role in that mission.

Thank you very much for your cooperation and assistance in this matter.

Sincerely,

(Date)

(Commander’s Signature & Printed Name)

(Unit Name)

*****NOTE: Clearly outline duties of servicemember, why servicemember is critical to the mission, and why leave is not authorized at this time.**

REDUCTION OF MORTGAGE PAYMENTS (SCRA)

(Insert Servicemember's Name and Address)

Four horizontal lines for entering the servicemember's name and address.

(Insert Mortgagor's Name and Address)

Four horizontal lines for entering the mortgagor's name and address.

Reference Account Number(s): _____

Dear Sir or Madam:

Please be advised that I am a member of the following military unit: _____, and I have been ordered to active military service on the following date: _____. I have enclosed a copy of my military orders for your records.

Due to my entry onto active duty, I have experienced a decrease in salary, and my ability to meet my financial obligations has been materially affected. Under these circumstances, Section 303 of the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. App. 533, authorizes an adjustment of my obligations under the mortgage. In this regard, my current mortgage payment is \$_____ per month, but because of my reduced income while on active duty, I can only pay \$_____ per month. Therefore, I request this reduction in my mortgage payments beginning with the payment due on _____. If applicable, I request that you also reduce the interest rate on the above-referenced account to 6%, effective as of the date I entered active duty, under Section 207 of the SCRA. I will notify you upon my release from active duty in order to resume my normal mortgage payments and to discuss repayment of my deferred obligations.

Thank you very much for your cooperation and assistance in this matter, and please send me a confirmation of my new payment schedule.

Sincerely,

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send by "Certified Mail, Return Receipt Requested" and include copy of military orders.**

II.A.7

TERMINATION OR SUSPENSION OF CELLULAR PHONE CONTRACT (SCRA)

(Insert Servicemember's Name and Address)

Four horizontal lines for entering the servicemember's name and address.

(Cellular Phone Company's Name and Address)

Four horizontal lines for entering the cellular phone company's name and address.

Reference Cell Phone Number: _____

Account Number: _____

Dear Sir or Madam::

Please be advised that I am a member of the following military unit: _____, and I have been ordered to active military service on the following date: _____. I have enclosed a copy of my military orders for your records.

Since I will be deploying outside the continental United States, my ability to satisfy the above contract and/or to utilize the cellular phone service will be materially affected. Under these circumstances, the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. App. 535a, authorizes my termination or suspension of the cellular phone contract. Therefore, I am requesting *circle one of the following: (termination of the cellular phone contract) or (suspension of the contract during the term of my deployment).

Furthermore, under the SCRA, I understand I do not have to pay any early termination charges, and suspension of the contract must be at no charge and without any reactivation fee.

Thank you very much for your cooperation and assistance in this matter.

Sincerely,

(Date)

(Servicemember's Signature)

***Deliver Letter in person, or send "Certified Mail, Return Receipt Requested" and include copy of military orders.

II.B.1

REDUCTION OF INTEREST RATES (PATRIOT PLAN)

(Insert Servicemember's Name and Address)

(Insert Creditor's Name and Address)

Reference Account Number(s): _____

Dear Sir or Madam:

Please be advised that I am a member of the following military unit: _____
_____ and I have been ordered to active military service on the following date:
_____. I have enclosed a copy of my military orders for your records.

Due to my entry onto active military service, I have experienced a decrease in salary, and my ability to meet my financial obligations has been materially affected. Under these circumstances, Section 4.05 of the Illinois Interest Act (815 ILCS 205/4.05), prescribes a ceiling of six percent (6%) annual interest on any obligation. Therefore, I request that you reduce the interest rate on the above-referenced accounts to 6% as of the date I entered active duty. Under the Act, this interest rate must be maintained for the entire period I am on active military service, and this percentage cap includes all service charges, renewal charges, and fees. Furthermore, any interest above this statutory ceiling must be forgiven rather than accrued.

Please adjust my accounts to comply with this new rate, and please send a confirmation of the interest rate reduction and my new payment schedule. Also, thank you very much for your cooperation and assistance in this matter.

Sincerely,

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send by "Certified Mail, Return Receipt Requested" and include copy of military orders.**

II.B.2

TERMINATION OF AUTOMOBILE LEASE (PATRIOT PLAN)

(Insert Servicemember's Name and Address)

(Insert Lessor's Name and Address)

Reference Vehicle Year, Make, Model & VIN: _____

Dear Sir or Madam:

Please be advised that I am a member of the following military unit: _____
_____, and I have been ordered to active military service on the following date:
_____. I have enclosed a copy of my military orders for your records.

Due to my entry onto active military service, I will not be able to continue my lease of the above vehicle. Under these circumstances, Section 37 of the Illinois Motor Vehicle Leasing Act (815 ILCS 636/37), authorizes my termination of the lease. Therefore, I am hereby notifying you that I am terminating the above lease, and I will return the leased vehicle to you within 15 days after delivery of this notice. Under the Act, the termination will be effective upon the date the vehicle is delivered to you.

Under the Act, I understand I do not have to pay an early termination charge, but I am liable for the prorated part of my last monthly payment. I also understand I am liable for any taxes, title and registration fees, reasonable charges for excess wear and mileage, and other obligations under the lease that are due and unpaid on the date of termination.

Thank you very much for your cooperation and assistance in this matter.

Sincerely,

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send "Certified Mail, Return Receipt Requested" and include copy of military orders.**

ILB.3

TERMINATION OF CELLULAR PHONE CONTRACT (PATRIOT PLAN)

(Insert Servicemember's Name and Address)

(Cellular Phone Company's Name and Address)

Reference Cell Phone Number: _____

Account Number: _____

Dear Sir or Madam::

Please be advised that I am a member of the following military unit: _____
_____, and I have been ordered to active military
service on the following date: _____. I have enclosed a copy of my military orders
for your records.

Due to my entry onto active military service, I will not be able to continue the above service.
Under these circumstances, the Military Personnel Cellular Phone Contract Termination Act (815
ILCS 633/1 et seq.) authorizes my termination of a cellular phone contract. Therefore, I am hereby
notifying you that I am terminating the above-referenced cellular phone contract effective 30 days
after delivery of this notice.

Under applicable provisions of the above Act, I understand this termination is without
penalty. However, if the cell phone in question is owned by your company, the phone will be returned
to you as provided under the Act.

Thank you very much for your cooperation and assistance in this matter.

Sincerely,

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send "Certified Mail, Return Receipt Requested"
and include copy of military orders.**

II.B.4

CONTINUATION OF GAS AND/OR ELECTRICITY (PATRIOT PLAN)

(Insert Servicemember's Name and Address)

(Utility Company's Name and Address)

Reference Apartment/Home/Business Address: _____

Dear Sir or Madam:

Please be advised that I am a member of the following military unit:

_____, and I have been ordered to active military service on the following date: _____. I have enclosed a copy of my military orders for your records.

Please be advised that I occupied the above premises as my primary residence until my entry onto active military service, and I understand I have not been able to make all of my payments for the above services. Under these circumstances, Section 11-117-12.2 of the Illinois Municipal Code (65 ILCS 5/11-117-122) and Section 8-201.5 of the Public Utilities Act (220 ILCS 5/8-201.5), as applicable, prohibit the termination of gas and/or electricity to the premises. I understand, however, that I am responsible for any arrearages, and all amounts due for utilities will be paid as provided under the above Acts.

Thank you very much for your cooperation and assistance in this matter.

Sincerely,

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send "Certified Mail, Return Receipt Requested" and include copy of military orders.**

STAY OF COURT PROCEEDINGS (ILLINOIS)

(Insert Servicemember's Name and Address)

Four horizontal lines for address entry.

(Insert Court's Name and Address)

Four horizontal lines for court address entry.

Reference Case Number: _____

Dear Sir or Madam:

Please be advised that I am a member of the following military unit: _____, and I have been ordered to active military service on the following date: _____. I have enclosed a copy of my military orders for your records.

My entry onto active military service has materially affected my ability to participate in the above case. Under these circumstances, Section 30.25 of the National Guard Employment Rights Law (20 ILCS 1805/30.25) and Section 5.1 of the Service Member's Employment Tenure Act (330 ILCS 60/5.1) provide for a stay of legal proceedings. Therefore, I request a stay in the above proceedings until the following date: _____. Until that date, I will not be able to attend any hearings, present any type of defense, or effectively protect my interests in this matter because of my military deployment and/or military duties as follows: _____

I have also enclosed a letter from my commander concerning my military duties, and that letter confirms that military leave is not authorized for my appearance at this time.

Thank you very much for your cooperation and assistance in this matter, and please advise me of my next court date.

Sincerely,

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send by "Certified Mail, Return Receipt Requested" and include copy of military orders and Commander's Letter.**

**COMMANDER’S LETTER
STAY OF COURT PROCEEDINGS (ILLINOIS)**

To: _____(Name of Court)

Reference: Case Number: _____

Servicemember’s Name: _____

Dear Sir or Madam:

I am an officer in the Illinois National Guard writing on behalf of the above servicemember who is a party to an action now pending before your court. The above servicemember is assigned to my command and is currently performing active military service at the following location: _____.

The above servicemember will be unable to attend any hearings in the above case because of their military duties until the following date:_____. Until then, the servicemember is needed by this unit and is not authorized military leave due to the following duties/reasons:_____

Therefore, under the provisions of Illinois law, I request that you grant a stay in the court proceedings until the above-mentioned date. I will personally ensure that the above servicemember is placed on military leave immediately following the completion of the duties described above so that he/she may appear at the next scheduled court date after the requested delay.

Thank you very much for your cooperation and assistance in this matter.

Sincerely,

(Date)

(Commander’s Signature & Printed Name)

(Unit Name)

*****NOTE: Clearly outline duties of servicemember, why servicemember is critical to mission, and why leave is not authorized at this time.**

ILD.1

**SCHOOL ATTENDANCE AND TUITION
(ILLINOIS PUBLIC COLLEGES AND UNIVERSITIES)**

(Insert Servicemember's Name and Address)

(Insert School Name and Address)

Reference Student I.D. / Social Security Number: _____

Dear Sir or Madam:

Please be advised that I am a member of the following military unit: _____
_____, and I have been ordered to active military service on the following
date: _____. I have enclosed a copy of my military orders for your records.

Unfortunately, due to my entry onto active military service, I will be unable to attend classes at the above institution for the duration of my active military service. Under these circumstances, Section 30.30 of the National Guard Employment Rights Act (20 ILCS 1805/30.30) and Section 5.2 of the Service Member's Employment Tenure Act, (330 ILCS 60/5.2), provide for a full monetary credit or refund for funds paid to any Illinois public university, college or community college. These Acts also provide that withdrawal from any courses shall not impact upon my final grade point average. Furthermore, the rights set forth in these Acts are in addition to any other rights afforded to persons in military service under the policies of the college or university.

Thank you very much for your cooperation and assistance in this matter, and please send any refund or credit to me at the above address.

Sincerely,

(Date)

(Servicemember's Signature)

*****Deliver Letter in person, or send "Certified Mail, Return Receipt Requested" and include copy of military orders.**

REQUEST FOR FAMILY MILITARY LEAVE

(Insert Employee's Name, and Address)

Four horizontal lines for employee name and address.

(Insert Employer's Name and Address)

Four horizontal lines for employer name and address.

Dear Sir or Madam:

My (spouse) (child) _____ was ordered to active military service beginning on _____, and I have attached a copy of their military orders for your records. I have been advised that my (spouse) (child) will return to the local area on _____, and I am requesting Family Military Leave for the period of _____.

My absence from work during this period is protected under the Illinois Family Military Leave Act (820 ILCS 151/1 et seq.), and I will return to work immediately after completion of the above leave. I also understand I must use any accrued paid leave which I may have to cover my absence, but if all such leave has been used, I request to be placed in an unpaid leave status.

Thank you very much for your assistance and support.

Sincerely,

(Date)

(Employee's Signature)

***Deliver Letter in person, or send by "Certified Mail, Return Receipt Requested" and include a copy of servicemember's military orders.

VII

LINE OF DUTY COMPENSATION ACT (LODCA) and NATIONAL GUARDSMAN'S COMPENSATION ACT (NGCA) DESIGNATION OF BENEFICIARY

(See reverse for conditions and instructions)

1. Service Member Information				
Last Name	First Name	Middle Initial	Jr., Sr., II, etc.	Social Security Number
Street (Mailing) Address				County
City	State	Zip		
Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed				Number of Children
Branch of Service (Do Not Abbreviate)		Assigned Unit		Current Duty Location

2. Primary Beneficiary(ies) – Will receive death benefits first. Please refer to instructions when naming a minor.				
Name	Address	Social Security Number	Relationship	% Share
TOTAL				100%

3. Secondary Beneficiary(ies) – Will receive death benefits if no Primary Beneficiary survives.				
Name	Address	Social Security Number	Relationship	% Share
TOTAL				100%

4. Signature of Member	Signature of Witness Printed Name and Rank	Date
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LODCA and NGCA Designation of Beneficiary – Conditions & Instructions

Death benefits under LODCA (820 ILCS 315/1 et seq.) are payable to:

- members of the Armed Forces **who are residents of the State of Illinois**; and
- who are killed in the line of duty while serving on active duty in connection with Operation Enduring Freedom or Operation Iraqi Freedom.

Death benefits under the Illinois National Guardsman’s Compensation Act (20 ILCS 1825/1 et seq.) are payable to:

- members of the Illinois National Guard;
- who are killed in the line of duty while serving in the National Guard not on active duty pursuant to an order of the President.

This designation of beneficiary form:

- provides for payment of the above death benefits and revokes any prior beneficiary designation;
- will be effective when signed; and
- is subject to Illinois law and to established rules and regulations.

This designation does not mean that a death benefit will be payable if you are not otherwise entitled to one. Whether a benefit is payable, and the amount paid, will be determined at the time of death under laws and regulations then applicable. The current death benefit is \$259,038 plus applicable CPI adjustments, and the beneficiary must file an application for benefits in the Illinois Court of Claims within one year after the member’s death.

You should keep this form in a safe place where it will be found in the event of your death (e.g., with your Last Will and Testament). You should also notify your beneficiary of this important benefit and give them a copy of this form. The Illinois Army National Guard will maintain a copy of this form in the member’s PERMS file at DMAIL. The Illinois Air National Guard will maintain a copy in the member’s mobility folder.

How to Complete this Form

Box 1. Member Information - Please print the information requested.

Box 2. Primary Beneficiary(ies) -

- Options for Beneficiaries:

In Box 2, please print the name(s) of the person(s) you wish to receive your death benefits. You can name any person, trust, church, charity, or organization. **It is important that you state your relationship to the beneficiaries that you designate.** If you name a trust, please provide the number and/or date of the trust. If the persons you list in Box 2 do not survive you, the death benefit will be paid to the person(s) you name in Box 3, “Secondary Beneficiary(ies).”

- Naming more than one Primary Beneficiary:

If you name more than one Primary Beneficiary, the persons listed become “co-beneficiaries” and will share the death benefit according to the percentages you enter in the space provided. If you leave the percentages blank, the persons listed will share equally.

- Naming a Minor (under the age of 18) as a Primary Beneficiary:

If you are naming a minor as a Primary Beneficiary, death benefits will be paid in care of the minor’s guardian. If you want someone other than the guardian to receive the benefit on behalf of the minor, you may name a custodian under the Illinois Uniform Transfers to Minors Act. **This is done by entering the name of the individual you wish to appoint as custodian, followed by “as custodian for _____ (name of minor) under the Illinois Uniform Transfers to Minors Act”.**

Box 3. Secondary Beneficiary(ies) - Secondary Beneficiaries will receive the death benefit payable if no Primary Beneficiary survives. Any person, trust, church, charity, or organization may be named as your Secondary Beneficiary, and if you name more than one, they will share the death benefit according to the percentages you enter.

Box 4. Signatures - The form must be signed by the service member and a witness.